



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

TO: Members of the Alameda County Planning Commission
FROM: Liz McElligott, Assistant Planning Director
MEETING DATE: July 5, 2022
RE: Ordinance to amend Measure D to increase Floor Area Ratio allowed for agricultural buildings in Large Parcel Agriculture designation and allow additional square footage for covered equestrian arenas in Large Parcel Agriculture and Resource Management designations

GENERAL INFORMATION

In November 2000, the Alameda County electorate approved the Save Agriculture and Open Space Lands Initiative (Measure D). The Initiative amended portions of the East County Area Plan (ECAP) and Castro Valley General Plan (CVGP) to effectively lock in limitations on development on parcels with general plan designations of Large Parcel Agriculture (LPA) or Resource Management (RM). Section 23 of Measure D states that, “The provisions of this ordinance may be changed only by vote of the people of Alameda County;” except that “The Board may also make technical or nonsubstantive modifications to the terms of this ordinance ... for purposes of reorganization, clarification or formal consistency within a Plan. Any modifications must be consistent with the purposes and substantive content of this ordinance.”

The first stated purpose of Measure D is “to preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, the wildlife habitats, the watersheds and the beautiful open space of Alameda County from excessive, badly located and harmful development.” Since the passage of Measure D, members of the agricultural community and owners of equestrian facilities have maintained that the square footage limitations put in place by Measure D inhibits their ability to have thriving agricultural operations.

On properties with general plan designations of Large Parcel Agriculture (LPA) and Resource Management (RM), Measure D currently allows a maximum building intensity of .01 Floor Area Ratio (FAR), but not less than 20,000 square feet, for non-residential buildings. Also, only on properties designated LPA, an additional FAR of .025 is allowed for greenhouses. FAR is a ratio of the gross building square footage permitted on a parcel to the square footage of the parcel. For example, on a 100-acre (4,356,000 square feet) parcel, an FAR of .01 would allow the equivalent of one acre (43,560 square feet) of building area for non-residential buildings. A maximum of 12,000 square feet is allowed for residential and residential accessory uses in both designations.

At your March 21, 2022 meeting, staff presented draft ordinance and ballot measure language that would change the amount of development allowed on agricultural parcels with the general plan designations of Large Parcel Agriculture (LPA) and Resource Management (RM) in the Unincorporated Area. Most of the East County is designated LPA, with some areas designated RM. All of the Castro Valley Canyonlands are designated RM. If approved by the Board of Supervisors, the ordinance would become effective if the ballot measure is approved by a majority of the county electorate in the November 8, 2022 election and the changes to Measure D would be incorporated, as appropriate, into the East County Area Plan and the Castro Valley General Plan.

STAFF RECOMMENDATION

Staff requests that your Commission hear a presentation by staff, take public testimony, and adopt a resolution making certain findings and recommending that the Board of Supervisors approve the ordinance to amend Measure D, subject to voter approval.

STAFF ANALYSIS

Proposed Ballot Measure

The proposed ballot measure to amend Measure D would apply the additional .025 FAR now allowed for greenhouses in the LPA designation to all types of agricultural buildings, including greenhouses, only on properties designated LPA. In addition, on parcels designated LPA and RM in East County and the Castro Valley Canyonlands, the ballot measure would allow a .025 FAR for covered equestrian arenas up to a maximum of 60,000 square feet. At least 20,000 square feet would be allowed for arenas on smaller parcels. Therefore, parcels that are approximately 18 acres in size or smaller would be allowed to have an arena or arenas up to a total of 20,000 square feet in size. Parcels that are approximately 55 acres or larger would be allowed to have an arena or arenas up to a total of 60,000 square feet in size. For parcels between 18 and 55 acres, the .025 FAR would be allowed for covered arenas. The ballot measure would not change the 12,000 square feet currently allowed for residential and residential accessory buildings on parcels of all sizes in both land use designations. The .01 FAR currently allowed for non-residential buildings (including agricultural buildings) would also remain unchanged.

Draft language prepared by the Office of the County Counsel for the ballot question and the ordinance to amend Measure D, to become effective if the ballot measure passes, is attached. This language and the ordinance must be approved and adopted by the Board of Supervisors and submitted to the Registrar of Voters by August 12, 2022 to be placed on the November 8, 2022 ballot.

Over the past several years, there has been a great deal of discussion about potential amendments to Measure D to increase the Floor Area Ratio allowed for agricultural buildings and equestrian facilities. Consideration of the specific provisions of the proposed ballot measure began in Spring of 2021. Since that time, the Board Transportation and Planning Committee has held a total of eight meetings, your Commission held two meetings, and the Board of Supervisors held one meeting to discuss the proposed measure. County staff also presented the proposed measure at eighteen additional meetings (including before the Agricultural Advisory Committee, Castro Valley Municipal Advisory Council, Fairview Municipal Advisory Council, and the Sunol Citizens' Advisory Committee), to discuss the viability of a ballot measure and to solicit input from the public and stakeholders on the scope and content of the measure. At each meeting, the meeting body and the public in attendance expressed general support for the amendments.

California Environmental Quality Act (CEQA) Analysis

Pursuant to Section 15063 of the CEQA Guidelines, the County, as Lead Agency, prepared an Initial Study (see attached) to provide your Commission and the Board of Supervisors, as well as members of the public, with information as to the potential environmental effects of the proposed amendments to Measure D (the Project). To the extent that the Project may cause a significant effect on the environment, the Initial Study considered whether the County may use a previously prepared EIR that the Lead Agency determined would adequately analyze the Project, or may determine which of the Project's effects were adequately examined by an earlier EIR. The earlier, previously prepared EIRs that were considered for this review are the County's *East County Area Plan (ECAP) EIR* (State Clearinghouse #1992073034) as certified in May 1994, and the *Castro Valley General Plan (CVGP) EIR* (State Clearinghouse #2006032036) as certified in March of 2012. (links provided below).

Addendum to an EIR

Pursuant to CEQA Guidelines Section 15164(a), the Lead Agency shall prepare an addendum to a previously certified EIR if some changes or additions to that prior EIR are necessary, but none of the conditions described in Section 15162 (below) calling for preparation of a subsequent EIR have occurred.

Subsequent EIRs per CEQA Guidelines Section 15162

When an EIR has been certified for a project, no subsequent EIR or negative declaration needs to be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - A. The project will have one or more effects that are significant and not discussed in the previous EIR;
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Staff considered whether any of the foregoing criteria have been met since original certification of the ECAP and CVGP EIRs and program approvals, and concluded that using these criteria, a supplemental or subsequent EIR is not appropriate. The attached addendum includes an explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162. The addendum need not be circulated for public review, but rather can be attached to the prior EIR. Your Commission and the Board of Supervisors will consider the Addendum (with the 1994 ECAP EIR and 2012 CVGP EIR, provided at the links below), prior to making a decision on the Project.

CONCLUSION

Staff requests that your Commission review the draft language, take public testimony, and recommend that the Board of Supervisors approve the draft ordinance. The Board is tentatively scheduled to consider the draft ballot measure language and hold the first reading of the ordinance at its July 19, 2022 meeting. The second reading of the ordinance is tentatively scheduled for the August 2, 2022 Board meeting.

Attachments

- An Ordinance of the County of Alameda, State Of California, Amending the “Save Agriculture And Open Space Lands” Ballot Measure (Measure D, November 2000) to Provide, in Addition to the Floor Area Ratio for Non-Residential Buildings, (1) a Maximum Floor Area Ratio of .025 for Agricultural Buildings, including Greenhouses, in Areas Designated Large Parcel Agriculture by the General Plan and (2) a Maximum Allowable Floor Area of 60,000 Square Feet for Covered Equestrian Riding Arenas in Areas Designated Large Parcel Agriculture and Resource Management by the General Plan.
- CEQA Review for November 2022 Ballot Measure Amending the “Save Agriculture and Open Space Lands” Ballot Measure (Measure D, November 2000)
- Draft Environmental Impact Report for the East County Area Plan, 1993
<http://www.acgov.org/cda/planning/generalplans/documents/ECAPDraftEIRJune1993.pdf>
- Responses to Comments on the Draft Environmental Impact Report for the East County Area Plan, 1994
<http://www.acgov.org/cda/planning/generalplans/documents/ECAPEIRRespComments1993.pdf>
- Draft Environmental Impact Report for the Castro Valley General Plan, 2007
http://www.acgov.org/cda/planning/generalplans/documents/CV_Draft_EIR.pdf
- Final EIR for the Castro Valley General Plan, 2012
http://www.acgov.org/cda/planning/generalplans/documents/1_FEIR_IntroductionNov2011forStaff.pdf
http://www.acgov.org/cda/planning/generalplans/documents/2_Summary_of_Impacts7Nov2011forStaff.pdf
http://www.acgov.org/cda/planning/generalplans/documents/3_Comments_on_Draft_EIR_16Nov2011forStaff.pdf
http://www.acgov.org/cda/planning/generalplans/documents/3-14_Climate_Change_1Nov2011forStaff.pdf
http://www.acgov.org/cda/planning/generalplans/documents/4_Revisions_to_the_Draft_EIRrevNov2011forStaff.pdf
http://www.acgov.org/cda/planning/generalplans/documents/App_A_CV_Policy_Correspondence_TableforStaff.pdf
http://www.acgov.org/cda/planning/generalplans/documents/Castro_Valley_EIR_Figures.pdf

RESOLUTION NO. 22- - AT MEETING HELD JULY 5, 2022

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF ALAMEDA RECOMMENDING THE ADOPTION OF AN ORDINANCE OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AMENDING THE “SAVE AGRICULTURE AND OPEN SPACE LANDS” BALLOT MEASURE (MEASURE D, NOVEMBER 2000) TO PROVIDE, IN ADDITION TO THE FLOOR AREA RATIO FOR NON-RESIDENTIAL BUILDINGS, (1) A MAXIMUM FLOOR AREA RATIO OF .025 FOR AGRICULTURAL BUILDINGS, INCLUDING GREENHOUSES, IN AREAS DESIGNATED LARGE PARCEL AGRICULTURE BY THE EAST COUNTY AREA GENERAL PLAN AND (2) A MAXIMUM ALLOWABLE FLOOR AREA OF 60,000 SQUARE FEET FOR COVERED EQUESTRIAN RIDING ARENAS IN AREAS DESIGNATED LARGE PARCEL AGRICULTURE AND RESOURCE MANAGEMENT BY THE EAST COUNTY AREA AND CASTRO VALLEY GENERAL PLANS

**Introduced by Commissioner
Seconded by Commissioner**

WHEREAS, the Alameda County Planning Commission did hold one virtual public hearing on the proposed ordinance amending the “Save Agriculture and Open Space Lands” Ballot Measure (Measure D, November 2000) to provide, in addition to the floor area ratio for non-residential buildings, (1) a maximum floor area ratio of .025 for agricultural buildings, including greenhouses, in areas designated Large Parcel Agriculture by the East County Area Plan and (2) a maximum allowable floor area of 60,000 square feet for covered equestrian riding arenas in areas designated Large Parcel Agriculture and Resource Management by the East County Area Plan and Castro Valley General Plan at the hour of 3:00 p.m. on July 5, 2022, for which notice was given as required by law, and at which time the Commission took public testimony; and

WHEREAS, on November 7, 2000, the voters of Alameda County approved the “Save Agriculture and Open Space Lands” ballot initiative, referred to as Measure D or the Initiative; and

WHEREAS, the stated purposes of Measure D were to “preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, the wildlife habitats, the watersheds and the beautiful open spaces of Alameda County from excessive, badly located and harmful development”; and

WHEREAS, the proposed ordinance, attached hereto as Exhibit A, will increase the maximum building density, or floor area ratio (FAR), for non-residential buildings: (1) in areas of the East County designated Large Parcel Agriculture (LPA) by extending the current FAR of .025 for greenhouses to agricultural buildings, and (2) in areas of the East County and Castro Valley Canyonlands designated LPA or Resource Management (RM) by allowing a .025 FAR for covered equestrian arenas, providing at least 20,000 square feet for small parcels with a maximum of 60,000 square feet; and

WHEREAS, the proposed ordinance (Exhibit A) contains findings including but not limited to finding that the proposed ballot measure changes are necessary to preserve and enhance agriculture and agricultural land – a primary goal of Measure D – and Planning Commission makes those findings and incorporates them herein by reference; and

WHEREAS, under CEQA Guidelines Section 15162, when an Environmental Impact Report (EIR) has been certified for a project, no subsequent EIR or negative declaration needs to be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following: (A) The project will have one or more effects that are significant and not discussed in the previous EIR; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative; and

WHEREAS, the County considered whether any of the criteria set forth in CEQA Guidelines Section 15162 have been met since the original certification of the 1994 East County Area Plan EIR and the 2012 Castro Valley General Plan EIR, and concluded that using these criteria, a subsequent EIR was not required as the criteria had not been met. Therefore, an Addendum to the 1994 East County Area Plan EIR was prepared, including a CEQA initial study and checklist, which is attached hereto as Exhibit B, and sets forth the facts and analysis supporting this conclusion; and

WHEREAS, the Planning Commission is authorized and obligated to make recommendations to the Board of Supervisors on matters related to planning and zoning, and more specifically, a recommendation to adopt or amend a general plan; and

WHEREAS, in the judgment of the Planning Commission the proposed amendments to Measure D are deemed in the public interest, serve a public purpose and it is necessary that Measure D be amended as described in the Ordinance; and

WHEREAS, the testimony submitted in writing and at the public hearing and items in the public record have been considered by the Planning Commission prior to this action; and

WHEREAS, the complete record for this process is in the custody of the Alameda County Planning Department, and may be found at Room 111, 224 West Winton Avenue, Hayward, California 94544; and

NOW, THEREFORE,

BE IT RESOLVED, that this Commission recommends to the Board of Supervisors the adoption of the proposed ordinance attached hereto as Exhibit A to amend Measure D to increase the floor area ratio allowed for agricultural buildings in the LPA designation in the East County Area Plan and allow additional square footage for covered equestrian arenas in the LPA and RM designations in the East County Area Plan and the Castro Valley General Plan, and submit the proposed Ordinance to the voters at the November 8, 2022 election.

BY THE FOLLOWING VOTE:

AYES: Commissioners

NOE: Commissioner

EXCUSED: Commissioner

ABSENT:

ABSTAINED:

ALBERT LOPEZ, PLANNING DIRECTOR AND SECRETARY,
ALAMEDA COUNTY PLANNING COMMISSION

**CEQA REVIEW FOR NOVEMBER 2022 BALLOT MEASURE
AMENDING THE “SAVE AGRICULTURE AND OPEN SPACE LANDS”
BALLOT MEASURE (MEASURE D, NOVEMBER 2000)**

June 2022

Prepared for:

County of Alameda
Community Development Agency
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Hayward, CA 94544

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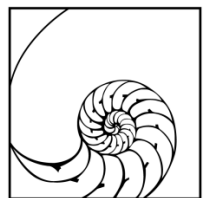


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Appendix A Draft Board Resolution with Ballot Question and Proposed Ordinance Amending Measure D

Project Information

- 1. Project Title:** Amendments to the “Save Agriculture and Open Space Lands” Ballot Measure (Measure D) of November 2000
- 2. Lead Agency Name and Address:** Alameda County Community Development Agency
224 West Winton Avenue, Room 111
Hayward, CA 94544
- 3. Contact Person:** Elizabeth McElligott, Assistant Planning Director
elizabeth.mcelligott@acgov.org
- 4. Project Location:** Unincorporated East Alameda County/Castro Valley Canyonlands
- 5. Project Sponsor:** County of Alameda
- 6. Existing General Plan Designation:** Large Parcel Agriculture and Resource Management
- 7. Existing Zoning:** A: Agriculture; R-1-L-B-E: Single-Family Residential; Limited Agriculture; PD: Planned Development
- 8. Requested Permits:** None – General Plan Amendments, sponsored by the Alameda County Board of Supervisors, subject to a vote of the residents of Alameda County

Purpose of this CEQA Document

The purpose of this document is to provide the required environmental review of proposed amendments to Measure D, the “Save Agriculture and Open Space Lands” Ballot Measure as approved by the voters in November of 2000 (the Project) and as more fully described on page 15 of this Addendum, pursuant to the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15060 to 15065, the County of Alameda (as Lead Agency for environmental review of this Project) is required to commence the environmental review process according to the following processes:

1. *“ . . . A lead agency must first determine whether an activity is subject to CEQA before conducting an Initial Study. An activity is not subject to CEQA if, 1) the activity does not involve the exercise of discretionary powers by a public agency, 2) the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, or 3) the activity is not a project as defined in Section 15378”* (CEQA Section 15060 [c]).

As defined in CEQA Guidelines Section 15378(b), ‘projects’ do not include “the submittal of proposal to a vote of the people of the state or of a particular community that does not involve a public agency sponsored initiative”. In this case, the proposed amendments to Measure D, if authorized pursuant to the discretionary powers of the County Board of Supervisors, are to be submitted to a vote of the people of Alameda County. However, these amendments, if authorized, represent an initiative that is sponsored by the County of Alameda Board of Supervisors. The sponsorship of this proposed initiative by a public agency (i.e., Alameda County) therefore represents a ‘project’ pursuant to CEQA.

2. *“Once a lead agency has determined that an activity is a project subject to CEQA, the lead agency shall determine whether the project is exempt from CEQA. A project is exempt from CEQA if it is exempt by statute or exempt pursuant to a categorical exemption”* (CEQA Guidelines Section 15061).

Alameda County has reviewed all potential statutory and categorical exemption criteria, and has not found the proposed amendments to Measure D to meet the definition of any CEQA exemptions.

3. *“Following preliminary review, the Lead Agency shall then conduct an Initial Study to determine if the project may have a significant effect on the environment. If the agency determines there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, the lead agency shall do one of the following:*
 - *Prepare an EIR;*
 - *Use a previously prepared EIR which the Lead Agency determines would adequately analyze the project at hand; or*
 - *Determine, pursuant to a program EIR, tiering or another appropriate process, which of a project’s effects were adequately examined by an earlier EIR or negative declaration”* (CEQA Guidelines Section 15063).

This document consists of an Initial Study prepared by the County of Alameda (as Lead Agency). This initial Study is intended to provide Alameda County’s decision-making bodies (i.e., the County Planning Commission and County Board of Supervisors), as well as member of the public, with information as to the potential environmental effects of proposed amendments to Measure D (i.e., the Project).

To the extent that the Project causes a significant effect on the environment, this Initial Study also considers whether the County may use a previously prepared EIR that the Lead Agency determines would adequately analyze the Project, or may determine which of the Project’s effects were adequately examined by an earlier EIR. The earlier, previously prepared EIRs that will be considered for this review are the Alameda County’s *East*

County Area Plan EIR (1994 ECAP EIR, State Clearinghouse #1992073034) as certified in May 1994, and the Castro Valley General Plan EIR (2012 CVGP EIR, State Clearinghouse #2006032036) as certified in 2012.

4. Finally, depending on the conclusions of this Initial Study, “the Lead Agency shall then ascertain which effects, if any, should be analyzed in a later EIR or Negative Declaration” (CEQA Guidelines Section 15063[c]).

Under a circumstance where the Project may cause a significant effect on the environment that was not adequately analyzed in these prior EIRs, the Project would trigger preparation of a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report (EIR). This Initial Study fully analyzes the environmental impacts of the Project to determine the most appropriate approach for CEQA documentation of the Project.

Initial Study

Pursuant to CEQA Guidelines Section 15063, this document consists of an Initial Study prepared by the County of Alameda as Lead Agency. Consistent with CEQA Guidelines, this Initial Study contains the following information:

- A description of the Project, including its location
- An examination of whether the Project is consistent with existing zoning, the current Alameda County East County Area Plan and Castro Valley General Plan, and other applicable land use controls
- An identification of the existing environmental setting, and
- An identification of potential environmental effects of the Project, using a checklist method that includes adequate explanation and evidence to support the Checklist entries

The checklist also includes a determination of whether the potential environmental effects of the Project were adequately examined in an earlier EIR (i.e., the 1994 East County Area Plan EIR and 2012 Castro Valley General Plan EIR).

Addendum to Prior EIRs

Pursuant to CEQA Guidelines Section 15164(a), the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions to that prior EIR are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

Subsequent EIRs per CEQA Guidelines Section 15162

When an EIR has been certified for a project (e.g., the 1994 ECAP EIR and 2012 CVGP EIR), no subsequent EIR or negative declaration needs to be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

“(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

(A) The project will have one or more effects that are significant and not discussed in the previous EIR

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

The purpose of this Checklist is to identify whether changes to Measure D as now proposed (i.e., the Project), or whether current circumstances as now apply to the East County/Castro Valley Canyonlands require a subsequent EIR or negative declaration. If not, this Checklist will identify whether a subsequent negative declaration, an addendum, or no further documentation is required.

As indicated in the underlined portions of CEQA Guidelines Section 15162 above, the key considerations of this Checklist are whether the Project (i.e., the proposed amendments to Measure D) would result in new significant environmental effects, or substantial increases in the severity of previously identified significant effects.

Addendums pursuant to CEQA Guidelines Section 15164

An Addendum to the 1994 ECAP EIR and the 2012 CVGP EIR may be prepared if only minor technical changes or additions to the prior EIRs are necessary, or if none of the conditions described in Section 15162 (above) calling for the preparation of a subsequent EIR or negative declaration have occurred. If this Checklist determines that an Addendum to the 1994 ECAP EIR and 2012 CVGP EIR is appropriate for the Project, that Addendum need not be circulated for public review, but rather can be attached to those prior EIRs. The decision-making bodies of the County (i.e. the Planning Commission and Board of Supervisors) would then consider that Addendum, prior to making a decision on the Project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 would need to be included in the County's required findings on the Project, or elsewhere in the record. This explanation must be supported by substantial evidence as may be provided in this CEQA document.

Background

1994 East County Area Plan and EIR

In May 1994, Alameda County adopted the East County Area Plan as a component of its General Plan. The East County encompasses 418 square miles of eastern Alameda County and includes the cities of Dublin, Livermore, Pleasanton and a portion of Hayward, as well as surrounding unincorporated areas. The East County Area Plan planning area is bounded on the west by the Pleasanton/Dublin ridgeline, on the east by San Joaquin County, on the north by Contra Costa County, and on the south by Santa Clara County. The purpose of the 1994 East County Area Plan (1994 ECAP) was to state the County's intent concerning future development and resource conservation in the area. The 1994 ECAP contained policies and programs addressing land use issues within unincorporated and incorporated areas in East County. Alameda County has jurisdictional control over all unincorporated areas until they may be annexed to a city. Unincorporated areas in East County included some areas that were under consideration at that time for General Plan amendments by the cities of Dublin, Livermore and Pleasanton. The 1994 ECAP designated land uses and prescribed policies for these and all other unincorporated areas.

Major Features of the 1994 ECAP

The 1994 ECAP was intended to serve as a guide for managing future development in East County. The major objectives of the 1994 ECAP were to accommodate projected growth in such a way that growth would pay for the acquisition and management of valuable resource areas, to protect limited resources, provide economic incentives to place or retain agricultural lands in production, and to achieve a match between local jobs and the local workforce. The 1994 ECAP also intended to provide fiscal benefits to the cities and the County, and to preserve a high quality of life for existing and future County residents. The major features of the 1994 ECAP were as follows:

- ECAP included a Land Use Diagram showing future development for the entire East County planning area, inclusive of incorporated and unincorporated areas. New residential, commercial and industrial development was proposed in concentrated areas in two locations: the North Livermore Valley and East Dublin subareas.
- ECAP policies promoted sub-regional coordination and cooperation by facilitating land use planning among East County jurisdictions. The intent was to synthesize city general plans, proposed general plan amendments, County proposals for unincorporated areas, and regional policies which affect land use and transportation planning by local jurisdictions.
- ECAP drew an Urban Growth Boundary (UGB) to differentiate between lands in the East County suitable for urban development, and lands suitable for agriculture, biological habitat, open space and recreation, production of wind power or mining, and open space buffers to separate communities. The UGB enclosed sufficient lands to accommodate the planned ultimate holding capacity, while containing growth in the East County, preventing sprawl and helping control speculation in remote areas by eliminating guesswork about future land use. The UGB was also intended to provide certainty regarding development potential to assist in long-range planning for infrastructure financing, agricultural investment and environmental protection.
- ECAP established holding capacities for 2010 and buildout for the entire East County, inclusive of incorporated and unincorporated areas. The 2010 holding capacity was intended to accommodate ABAG's projected growth for the East County while achieving a balanced jobs/housing ratio.

- ECAP policies directed the County to facilitate attainment of ABAG’s regional housing share objectives for all income categories within the East County, and encouraged East County cities to meet their respective city regional housing share objectives as well.
- ECAP recognized that compact development would result in more efficient use of land and infrastructure, and less conversion of open space, than low-density sprawl. ECAP supported new urban development only if designed as being transit- and pedestrian-oriented, would not impose a fiscal burden, and only if it includes a mix of residential and commercial uses, a range of housing prices, dedicated open space and a full range of public facilities and amenities.
- ECAP found that mitigation for cumulative habitat loss is best accomplished through comprehensive and permanent open space preservation and maintenance, rather than project-by-project, single species mitigation undertaken on isolated sites. To preserve the biodiversity of the subregion, ECAP identified open space areas outside of the UGB that included a variety of plant communities and wildlife habitats, not just "special status" communities. Resource Management lands outside the UGB were to be acquired through fee purchase, dedication, easements and/or density transfer, and were to serve as mitigation for cumulative loss of biological resources. ECAP required that funding be set aside for long-term land management to ensure the success of the mitigation over time.
- ECAP proposed that a countywide Open Space Land Trust be established to acquire fee title or easements on strategic parcels needed to complete a continuous public open space system.
- To maximize long-term productivity of the planning area's agricultural resources, ECAP provided incentives to landowners to stimulate agricultural investment. It also called for a County-established non-profit South Livermore Valley Agricultural Land Trust.
- ECAP recognized the regional value of special resource areas including the Altamont Pass Wind Resource Area and the state-designated Regionally Significant Construction Aggregate Resource Sectors, with policies that encouraged continued productive use of these resources.
- ECAP also proposed a comprehensive and jointly prepared water plan to assure effective management and long-term allocation of water resources, to develop a contingency plan for potential short-term water shortages, and consistent water conservation and reclamation programs to maximize the available supply.

1994 ECAP EIR

Prior to approval of the 1994 ECAP, the Alameda County Planning Commission and County Board of Supervisors certified the East County Area Plan Environmental Impact Report (ECAP EIR). As a Program EIR, Alameda County intended to rely on this EIR in connection with later, more specific land use plans and development proposals. The ECAP EIR was to be used by other responsible agencies in making discretionary decisions for subsequent projects within the East County.

In order to evaluate a credible worst-case scenario, the 1994 ECAP EIR analysis focused on potential impacts arising from population growth as reflected in ECAP’s buildout holding capacity, and the geographical distribution of new development as reflected in the Land Use Diagram. It was recognized that achieving the full holding capacity associated with buildout of the Land Use Diagram might not ultimately occur, but the ECAP EIR impact analysis concentrated on buildout in order to present a credible worst-case scenario evaluation.

The 1994 ECAP EIR included a summary of the environmental impacts of ECAP, and included recommendations and mitigation measures to reduce or eliminate identified impacts. The following significant and unavoidable adverse impacts were identified as impacts for which feasible mitigation was either unavailable or insufficient to reduce these impacts to less than significant levels:

- *Agricultural Resources*: New urban development would result in the conversion of prime agricultural land to non-agricultural uses.
- *Transportation*: Freeway and highway capacities would be inadequate to meet increased traffic demand. Segments of I-880 and I-680 would exceed the (then applicable) LOS E standard. Unfunded improvements could improve the LOS, but not to acceptable levels, and unfunded improvements could improve the LOS on SR 84 to acceptable levels. Arterial roadway capacities could be inadequate to meet increased traffic demand on roadway segments of Vasco Road, Hacienda Drive and Greenville Road. Public transit capacities would be inadequate to meet increased traffic and transit demand. BART was not expected to extend to Livermore by 2010.
- *Air Quality*: Pollutant emissions from sources associated with new urban development, including indirect (mobile) sources, direct (stationary or point sources) and area sources (such as heaters and small gas equipment) would exceed thresholds established by the BAAQMD for carbon monoxide, ozone precursors and PM10. Urban development under the 1994 ECAP were found to contribute to the existing exceedance of air quality standards for PM10, but not for other criteria pollutants.
- *Noise*: Increased traffic resulting from growth under the 1994 ECAP could expose some existing residential land uses to a significant increase in noise.
- *Visual and Aesthetic Resources*: Increased development in the Livermore-Amador Valley would substantially alter the Valley's visual character.
- *Mineral Resources and Extraction*: Stripping of overburden for sand and gravel mining could result in loss of valuable agricultural soils.
- *Geologic Hazards*: Residential, commercial and industrial growth under the 1994 ECAP would significantly increase energy consumption in the East County.
- *Cumulative Water Supply*: Water demand from cumulative urban development in the state could exceed the state's limited water resources.

2000 Measure D – the “Save Agriculture and Open Space Lands” Initiative

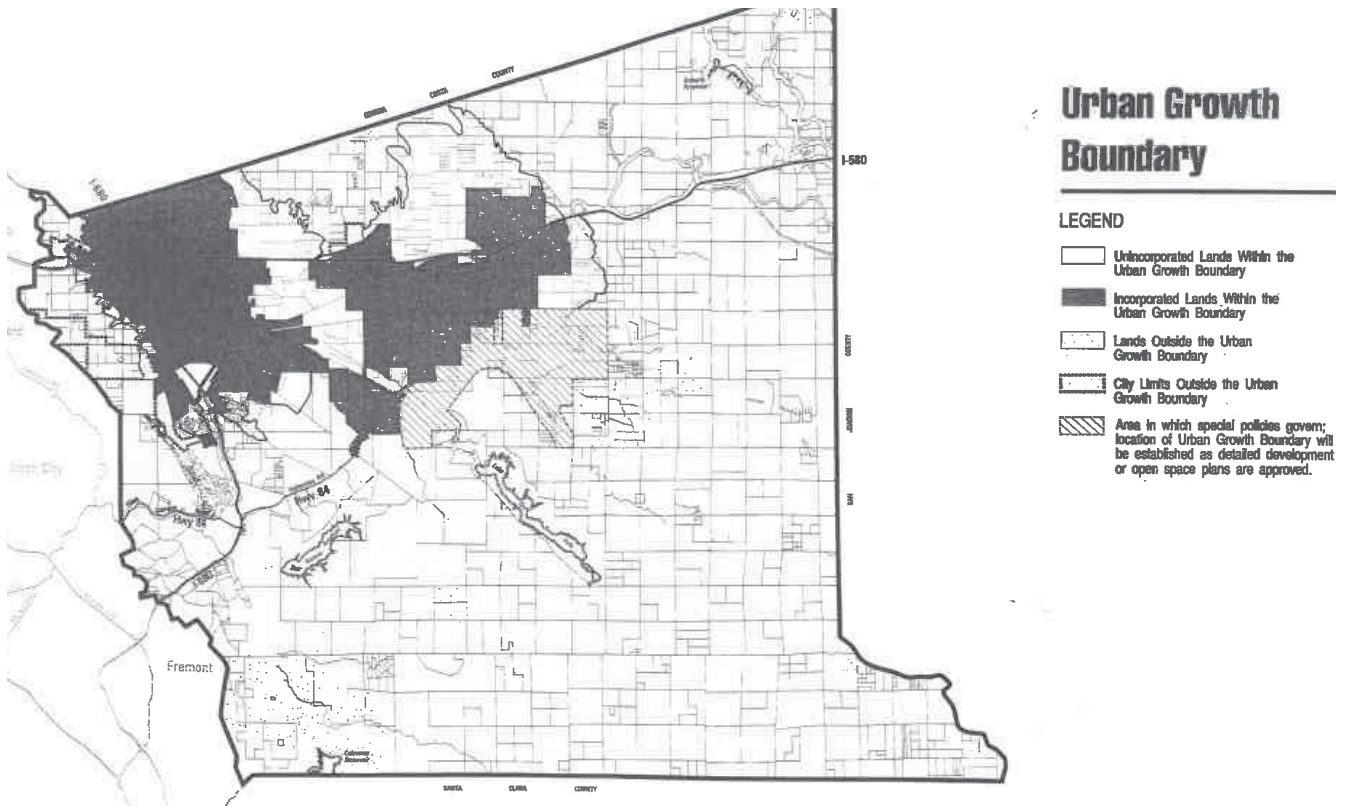
Measure D (known as the Save Agriculture and Open Space Lands Initiative) was placed on the November 2000 countywide ballot by citizens' groups. The question that was posed to the voters of Alameda County was:

“Shall an ordinance amending the Alameda County General Plan to, among other things, revise the urban growth boundary in the East County to reserve less land for urban growth and more land for agriculture and open space, apply similar policies to rural Castro Valley, require new housing to be located primarily within existing cities, modify land use restrictions applicable to rural areas, and require a County-wide vote on changes to these policies, be adopted?”

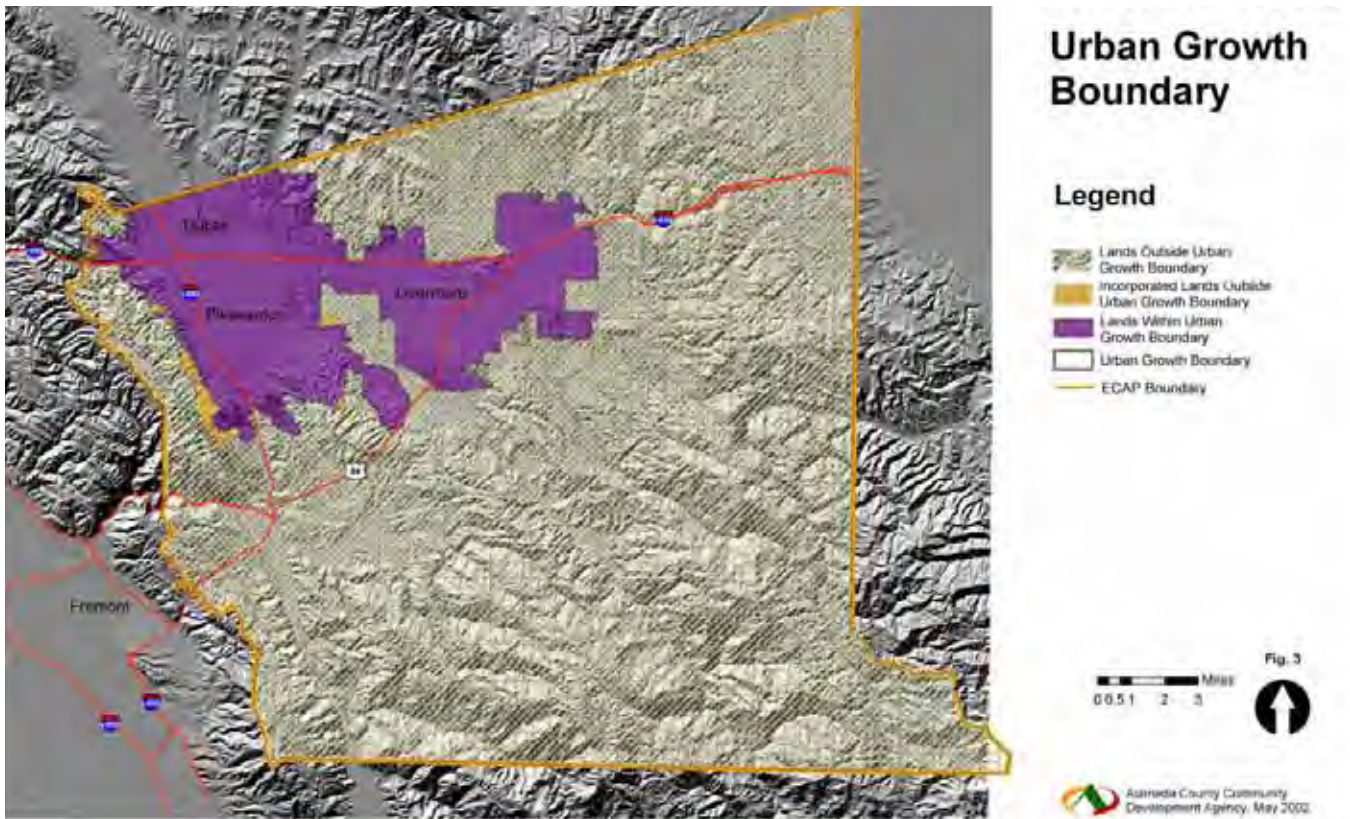
In November of 2000, Measure D passed with a 57% majority of Alameda County voters, and became effective as of December 22, 2000.

Corresponding ECAP Amendments

By May of 2002, Alameda County completed and adopted corresponding amendments to the applicable ECAP. The purposes of these amendments were to, “preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, the wildlife habitats, the watersheds and the beautiful open space of Alameda County from excessive, badly located and harmful development”. Measure D established a County UGB that was different than the 1994 ECAP UGB (see **Figure 1**).



1993 ECAP Urban Growth Boundary (UGB)



Measure D/Amended 2002 ECAP Urban Growth Boundary

Figure 1
1994 and 2002 Urban Growth Boundaries

Source: Alameda County ECAP Draft EIR, 1993 and ECAP 2002

The new UGB focused urban-type development in and near existing cities where it can be efficiently served by public facilities, thereby avoiding high costs to taxpayers and reducing impacts on the environment. Measure D was designed to remove the County government from urban development outside the Urban Growth Boundary.

The Initiative also resulted in the addition, deletion and revision of more than 60 policies and programs of the previously applicable 1994 ECAP, as well as establishment of and changes to the Urban Growth Boundary and the Land Use Diagram. Major changes made to the 1994 ECAP in response to Measure D included the following:

- The Urban Growth Boundary (UGB) was redrawn to remove North Livermore from urban development, and the County withdrew from a joint planning Settlement Agreement with the City of Livermore and North Livermore landowners. The area in North Livermore west of Dagnino Road was delineated as an Intensive Agriculture area, with the potential for 20-acre enhanced agricultural parcels upon demonstration of available water (among other requirements).
- The South Livermore Valley Area Plan was amended to place absolute limits on density and its geographical extent.
- Lands previously designated for Urban Reserve were re-designated as Large Parcel Agriculture. Land use policies for the Large Parcel Agriculture, Resource Management and Rural Residential designations became more restrictive, including changes related to standards for subdivisions and Site Development Review for Agricultural parcels.
- Lands in the Castro Valley and Palomares Canyonlands were re-designated as Resource Management.
- The County was directed to meet State housing obligations for the East County area within the new County Urban Growth Boundary “to the maximum extent feasible”. If State-imposed housing obligations made it necessary to go beyond the UGB, the voters of the county may approve an extension of the boundary, and the Board of Supervisors may approve housing outside the UGB for the purpose of meeting housing obligations if, subject to the requirements of the State housing law, criteria specified by the Initiative can be met.
- The County was prohibited from providing or authorizing expansion of public facilities or other infrastructure that would create more capacity than needed to meet the development allowed by the Initiative. The Initiative does not prohibit public facilities or other infrastructure that has no excessive growth-inducing effect on the East County area, with permit conditions to ensure that no service can be provided beyond that consistent with development allowed by the Initiative.
- No new quarry or open-pit mine may be approved outside the East County Urban Growth Boundary unless approved by the voters. Excavation not adjacent to an existing quarry site and on the same or adjoining parcel is regarded as a new quarry.

While new regulations pursuant to Measure D did not affect parcels, development, structures or uses that legally existed at the time Measure D became effective, structures may not be enlarged or altered, and uses expanded or changed inconsistent with the new ECAP policies, programs and regulations, except as authorized by State law. The portions of ECAP that were revised or enacted under the Initiative may not be amended except by voter approval, with the exception that the Board of Supervisors can impose restrictions on development and land use that are more stringent.

Generalized ECAP Land Use Strategy as Amended by Measure D

As amended by Measure D, the 2002 ECAP clearly delineates areas suitable for urban development, and other areas most suitable as open space for the long-term protection of natural resources, agriculture, and public safety. It establishes a County Urban Growth Boundary (UGB) that divides areas inside the UGB and next to

existing cities as generally suitable for urban development, and areas outside of the UGB as suitable for long-term protection of natural resources, agriculture, public health and safety, and buffers between communities.

The 2002 Amended ECAP's Land Use Diagram identifies urban designations (inclusive of incorporated and unincorporated areas of East County) that are expected to be sufficient to accommodate projected growth. The urban land use designations in unincorporated areas are contained within the UGB, and are not to be expanded to accommodate lower than planned densities. The 2002 Amended ECAP requires that urban development be phased according to the availability of infrastructure and public services, to achieve a balanced sub-region featuring compact communities, a diverse economic base, affordable housing and a full complement of public facilities and amenities. Accordingly, the 2002 Amended ECAP supports phased development in East Dublin to provide for efficient planning of infrastructure and prevent urban sprawl in the Dublin Hills. The 2002 Amended ECAP requires the County to work with cities and service districts to plan for adequate infrastructure capacity to accommodate new urban development within the UGB, but also limits the level of new development based on adequacy of transportation and infrastructure improvements and the extent to which these improvements can be funded. The 2002 Amended ECAP prohibits the County from providing or authorizing public facilities or other infrastructure in excess of that needed for permissible development.

The 2002 Amended ECAP's residential goal is to provide an adequate supply of housing in a range of densities to meet State requirements, to accommodate projected housing growth, and to respond to the needs of all income groups.

The 2002 Amended ECAP's Land Use Diagram also identifies non-urban land use designations intended to protect regionally significant open space and agricultural land from further development. It calls on the County to work with East County cities to preserve a continuous open space system outside the UGB, with priority given to the permanent protection of the Resource Management area between Dublin and North Livermore and the area north of the UGB in North Livermore. The preserved open space areas are intended for the protection of public health and safety, the provision of recreational opportunities, production of natural resources (e.g., agriculture, wind power and mineral extraction), protection of sensitive viewsheds, preservation of biological resources, and the physical separation between neighboring communities. This open space system is to include a continuous band of various plant communities and wildlife habitats that provide for comprehensive, rather than piecemeal, habitat conservation. The open space for habitat conservation is to be located outside of the UGB and contiguous to large open space areas in neighboring Contra Costa, Santa Clara and San Joaquin Counties. To maintain this open space system, the 2002 Amended ECAP policies call for the following implementation strategies:

- Approve only open space, park, recreational, agricultural, limited infrastructure, public facilities (e.g., limited infrastructure, hospitals, research facilities, landfill sites, jails, etc.) and other similar and compatible uses outside the UGB
- Use zoning and other mechanisms such as purchase or dedication of easements through density transfer or density bonuses and fee purchase to preserve open space outside the UGB
- Require all new developments to dedicate or acquire land for open space and/or pay equivalent in-lieu fees to be committed to open space land acquisition and management, and to encourage the East County cities to impose similar open space requirements on development in incorporated areas
- Encourage the Alameda County Open Space Land Trust to acquire fee title or easements on strategic parcels that would permanently secure the UGB and complete the continuous open space system surrounding Eastern Dublin, North Livermore, South Livermore and the existing cities of Pleasanton, Dublin and Livermore

To maximize the long-term productivity of East County's agricultural resources, the 2002 ECAP calls for the conservation of prime agricultural soils, Farmland of Statewide Importance and Unique Farmland outside the UGB. It also calls for the preservation of the Mountain House area near the San Joaquin County boundary for intensive agricultural use. ECAP also seeks to protect unique visual resources and sensitive viewsheds by preserving the major visually sensitive ridgelines largely in open space use.

In the southerly portion of East County, ECAP seeks to protect important watershed land from the direct and indirect effects of development. To achieve this goal, ECAP encourages public water management agencies (e.g., the SFPUC and Zone 7) to explore recreational opportunities on watershed lands, particularly at reclaimed quarries, and to provide limited public access on trails that pass through the watershed lands surrounding San Antonio and Calaveras Reservoirs, Sunol Watershed, and the Arroyo de la Laguna.

Agricultural Land Use Designations

In general, the 2002 Amended ECAP identifies three primary agricultural and/or open space-related land use designations on its Land Use Diagram (see **Figure 2**):

Large Parcel Agriculture (LPA)

This land use designation generally applies to the majority of the easterly portions of unincorporated East County. The LPA designation is primarily intended to provide for low-intensity agricultural and grazing uses. It also permits agricultural processing facilities, limited agricultural support service uses, secondary residential units, visitor-serving commercial facilities, recreational uses, public and quasi-public uses, solid waste landfills and related waste management facilities, quarries, windfarms, utility corridors, and similar uses compatible with agriculture. Specific policy limitations that apply within the Large Parcel Agriculture land use include:

- A minimum parcel size of 100 acres (with exceptions for smaller existing parcels)
- A maximum building intensity for non-residential buildings of a .01 FAR (floor area ratio) but not less than 20,000 square feet, but where permitted, greenhouses shall have a maximum intensity of .025
- One single-family home per parcel is allowed provided that all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual protection, and public services
- Residential and residential accessory buildings shall have a maximum floor space of 12,000 square feet. Additional residential units may be allowed if they are occupied by farm employees required to reside on-site.
- Apart from infrastructure, all buildings shall be located on a contiguous development envelope not to exceed 2 acres, except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural use

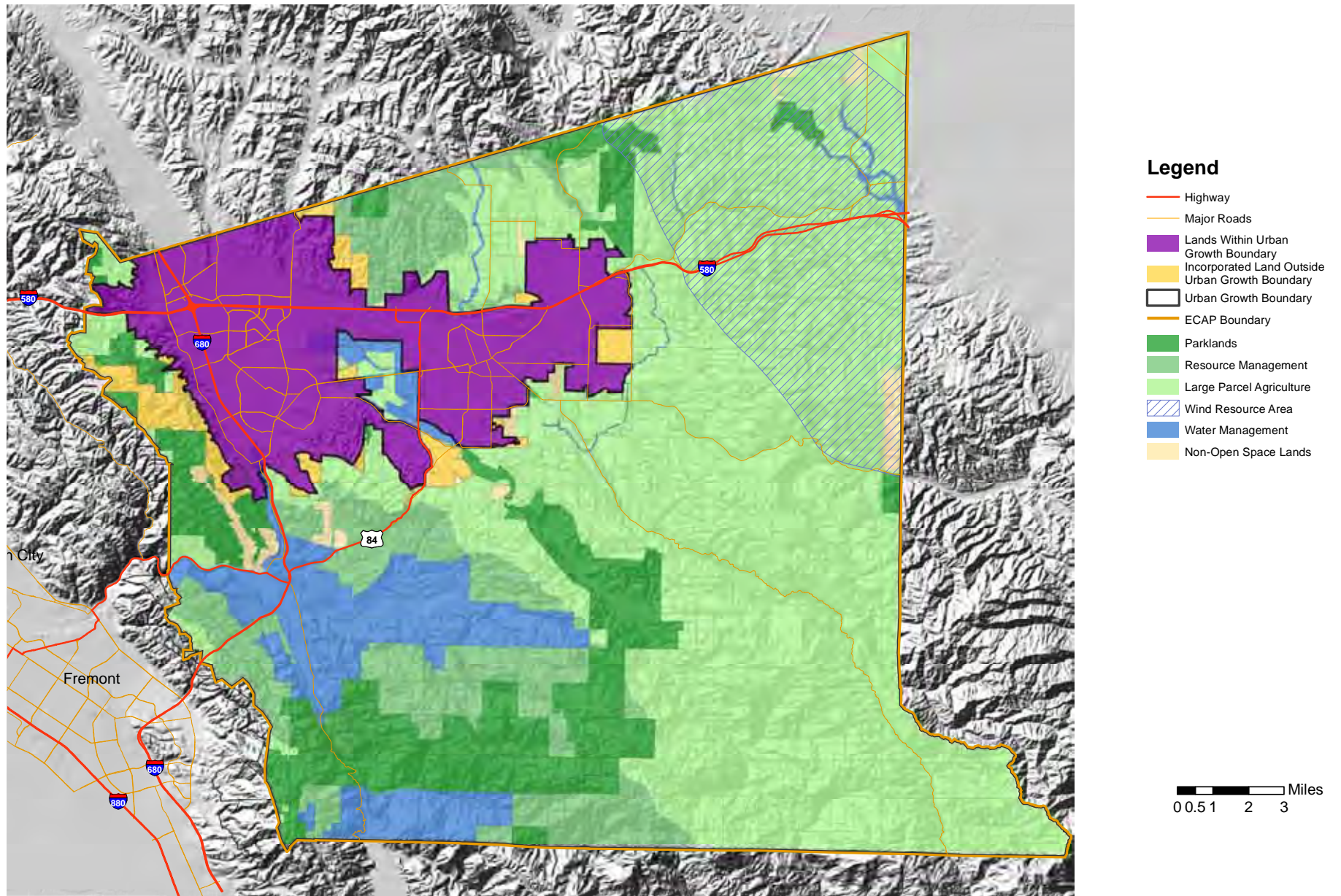


Figure 2
2002 Amended ECAP Land Use Diagram

Source: Alameda County, *East County Area Plan*,
 Figure 4, as amended October 2016

Resource Management (RM)

This land use designation applies to lands that surround Watershed Management lands, the area between Dublin and North Livermore, and the area north of the Urban Growth Boundary in North Livermore. This designation is intended mainly for land designated for long-term preservation as open space, but may include low intensity agriculture, grazing and very low-density residential use. The purpose of this land use designation is to permit agricultural uses, recreational uses, habitat protection, watershed management, public and quasi-public uses in areas typically unsuitable for human occupation. This includes areas subject to public health and safety hazards such as earthquake faults, floodways, unstable soils, or areas containing wildlife habitat and other environmentally sensitive features. This land use classification generally requires a minimum parcel size of 100 acres, and 1 single family home per parcel is allowed (provided all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual protection, and public services). This designation is intended mainly for land designated for long-term preservation as open space, but may include low intensity agriculture, grazing and very low-density residential use.

Water Management (WM)

This land use designation generally applies to the lands owned by the San Francisco Water Department and watershed lands surrounding San Antonio and Calaveras Reservoirs, the Sunol Watershed and the Arroyo de la Laguna. This land use designation is intended to provide for the protection of watershed land from the direct and indirect effects of development. The minimum parcel size is generally 100 acres, one single family home per parcel is allowed (provided all other County standards are met for adequate road access, sewer and water facilities, building location, visual protection, and public services). This designation also provides for sand and gravel quarries, reclaimed quarry lakes, watershed lands, arroyos and similar and compatible uses.

CEQA Review of Measure D and 1994 Amended ECAP

Whereas Measure D was a public initiative submitted to a vote of the people of the County, and did not involve a public agency sponsorship, it was not considered a 'project' under CEQA. Therefore, Measure D was not subject to CEQA review. Similarly, the 2002 amendments to ECAP were specifically intended to ensure implementation of Measure D, and were determined to be exempt from CEQA review under CEQA Guidelines Sections 15307, 15308 and 15602(b)(3).

As a result, the 1994 ECAP EIR remains the last and only CEQA document that examines the potential environmental effects associated with growth and development in the East County.

Castro Valley General Plan and EIR

In 2012, Alameda County approved the Castro Valley General Plan. The Castro Valley General Plan sets forth the vision for Castro Valley's evolution. As noted in the Introduction to the Castro Valley General Plan, 'While the community appears to be fully developed, or 'built out', an analysis of existing zoning shows that there are many sites available for residential and commercial development. Given Castro Valley's central location and transportation access, the area will experience additional growth, especially given the great housing demand in the region combined with voter-approved preservation of surrounding open space. This plan is intended to guide that development, so that it contributes to the quality of the community, allowing Castro Valley to retain its picturesque natural setting and small town character as it continues to grow and evolve".¹

The Castro Valley General Plan area includes approximately 38 square miles of urbanized land area within its boundaries. The planning area is the urbanized area within the County's Urban Growth Boundary, including the Castro Valley Census Designated Place (CDP) as well as the Five Canyons neighborhood. These boundaries

¹ Alameda County, *Castro Valley General Plan*, 2012, page 1

largely follow the area that was proposed for incorporation in 2002, and exclude the Canyonlands and other areas outside of the Urban Growth Boundary (UGB) that Alameda County voters approved in 2000 (see **Figure 3**).

Included in the 2012 Castro Valley General Plan is Appendix A. This Appendix specifically acknowledges that the Castro Valley and Palomares Canyonlands are subject to the Measure D restrictions with respect to minimum parcel size, amount and nature of development, development envelopes, floor area ratios and maximum floor areas, and permissible uses as are imposed in the Resource Management Description of Land Use Designations in the East County Area Plan. In addition Policies 81A, 106A, 107A, 113A, 113B and 236, and the provisions governing clustering in Program 36 of the East County Area Plan, shall apply to these Canyonlands. Policy 144 of ECAP shall apply without regard to Urban Growth Boundaries.

2012 Castro Valley General Plan EIR

Prior to approving the Castro Valley General Plan, the County Board of Supervisors certified the Castro Valley General Plan EIR. This EIR identified potential environmental impacts attributed to the Castro Valley General Plan and their level of significance. The CVGP was found to contain policies and actions that are intended to mitigate potential impacts to less than significant levels. Based on the analysis, no additional mitigation measures were required. Since the CVGP planning area was limited to the 38 square miles of urbanized land, and excluded the Canyonlands and other areas outside of the UGB, the CVGP EIR did not address nor identify any environmental effect on these Resource Management lands.

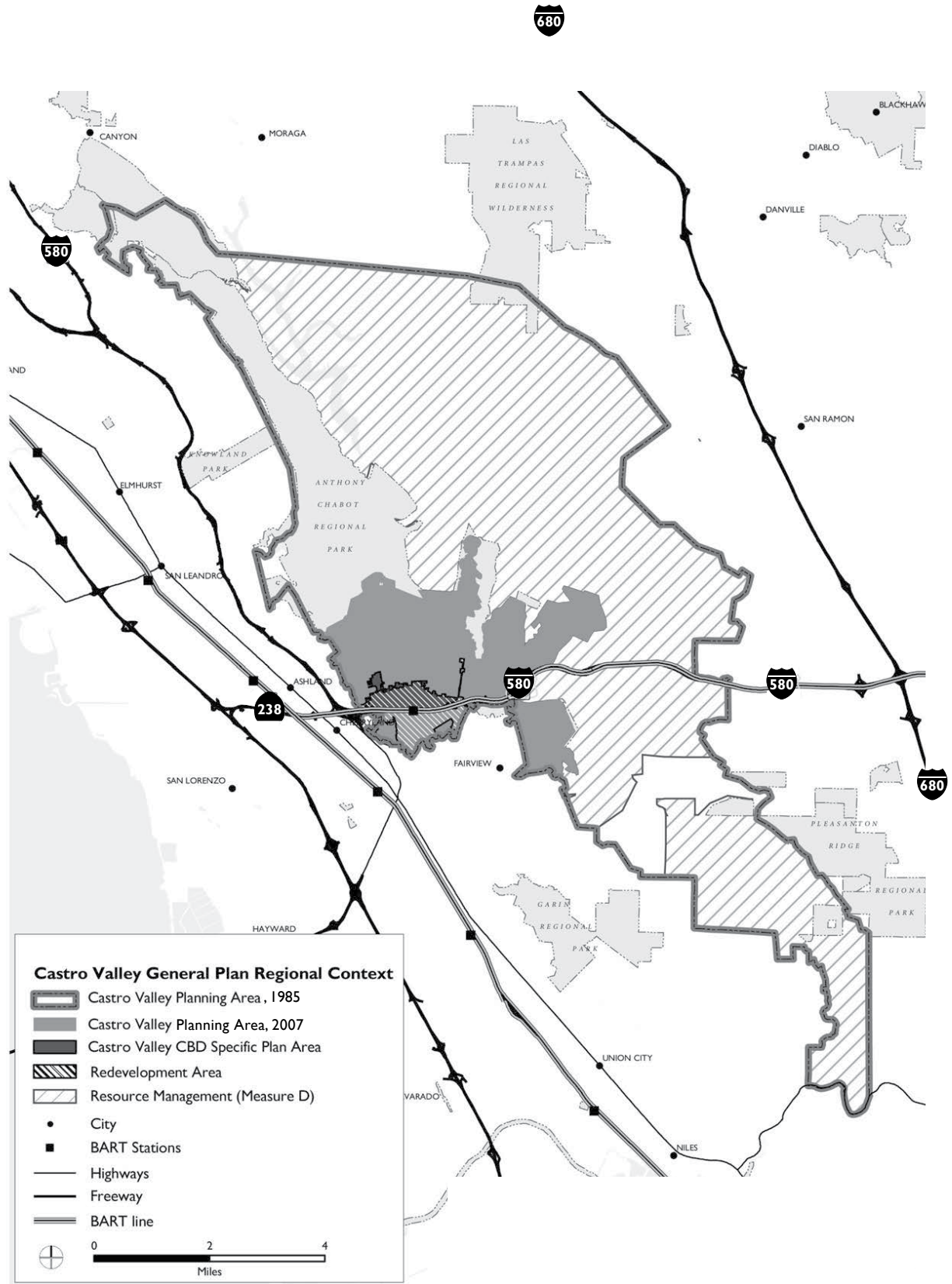


Figure 3
**Resource Management Designations in the Castro Valley/
 Palomares Canyonlands**

Source: Alameda County, Castro Valley General Plan, 1Figure 2.1-1

Project Description

Background

The Alameda County Board of Supervisors has considered at least two amendments to Measure D since it was adopted. In 2013, the Supervisors considered an amendment to increase the floor-to-area ratio (FAR) allowed for horse breeding and training facilities, and in 2020 the Supervisors considered an amendment to increase the permitted FAR for defined ‘agricultural buildings’ in addition to the FAR allowed for “non-residential” buildings. Alameda County convened a stakeholder group consisting of members of the public that represented differing and potentially competing interests on these matters, to discuss issues related to Measure D, and to identify potential approaches for addressing these issues. At that time, these stakeholder groups did not reach agreement on these issues, nor did they find agreement on means by which these issues might be resolved (i.e., via a new ballot measure, or by technical amendments to Measure D). Until recently, the Alameda County Board of Supervisors had similarly not acted on either of these two amendments.

However, in 2021 the County Agricultural Advisory Committee, the Board of Supervisors’ Transportation and Planning Committee, and other County advisory bodies considered draft language that was offered by a stakeholder group seeking to find consensus on these issues. Based on these reviews, the County Board of Supervisors directed Planning staff to draft language for a ballot measure that would amend certain provisions of Measure D, to conduct public outreach on these proposed amendments, and to prepare environmental review of such amendments.

Proposed Project (Amendments to Measure D)

The County Supervisors now intend to place a measure on the ballot for the November 2022 election that, if passed, would amend the policies and standards of Measure D (November 2000) and thereby amend the current East County Area Plan and Castro Valley General Plan, as each was amended in response to passage of Measure D (see **Appendix A**). These amendments would provide, in addition to the currently permitted maximum residential and residential accessory building floor space of 12,000 square feet, and the 0.01 floor-area ratio (or 1% FAR) currently allowed for non-residential buildings:

1. A maximum floor area ratio of 0.025 (or 2.5% FAR) for ‘agricultural buildings’, including greenhouses, in areas designated under the General Plan as Large Parcel Agriculture (LPA)

The proposed ballot measure would apply the additional 0.025 FAR, which is now allowed for greenhouses in the LPA designation, to all types of agricultural buildings on properties designated LPA, which includes much of the unincorporated agricultural parcels in East County.

2. A maximum FAR of 0.025, with at least 20,000 square feet allowed on smaller parcels, up to a maximum of 60,000 square feet on larger parcels, for covered equestrian riding arenas in areas designated under the General Plan as Large Parcel Agriculture (LA) and Resource Management (RM)

The additional square footage for covered arenas would be allowed on all parcels throughout East County that are designated under the East County Area Plan as Resource Management (RM) and/or Large Parcel Agriculture (LPA). The additional the square footage for covered arenas would also be allowed on those rural areas around Castro Valley (the Castro Valley and Palomares Canyonlands), which are also designated as Resource Management and subject to the current provisions of Measure D.

The Project would not change the 12,000 square feet of building space currently allowed for residential and residential accessory buildings, or the 0.01 FAR currently allowed for non-residential buildings.

Table 1 shows the amount of additional square footage that would be allowed on parcels of various sizes that are designated as either LPA or RM, with the modifications as proposed pursuant to the Project.

Table 1: Implications of Project on Building Potential, by Various Parcel Sizes

	<u>20-Acre Parcel</u>	<u>40-Acre Parcel</u>	<u>60-Acre Parcel</u>	<u>100-Acre Parcel</u>
<u>Large Parcel Agriculture (LPA) Designation</u>				
Residential and Residential Accessory	12,000 sf	12,000 sf	12,000 sf	12,000 sf
Non-residential buildings at .01 FAR, or at least 20,000 sf	<u>20,000 sf</u>	<u>20,000 sf</u>	<u>26,136 sf</u>	<u>43,560 sf</u>
Current Buildout Potential (LPA):	32,000 sf	32,000 sf	38,136 sf	55,560 sf
Plus Proposed Project:				
Plus Agricultural Buildings at .025 FAR	<u>21,780 sf</u>	<u>43,560 sf</u>	<u>65,340 sf</u>	<u>108,900 sf</u>
Proposed Total SF, with Additional Ag. Buildings:	53,780 sf	75,560 sf	103,476 sf	164,460 sf
Covered Equestrian Arena at .025 FAR, at least 20,000 sf, no more than 60,000 sf	21,780 sf	43,560 sf	60,000 sf	60,000 sf
Proposed Total Sf, with Additional Ag. Bldg. and Equestrian Area	75,560sf	119,120 sf	163,476 sf	224,460 sf
<u>Resource Management (RM) Designations</u>				
Current Building Limits:				
Residential and Residential Accessory	12,000 sf	12,000 sf	12,000 sf	12,000 sf
Non-residential buildings at .01 FAR, or at least 20,000 sf	<u>20,000 sf</u>	<u>20,000 sf</u>	<u>26,136 sf</u>	<u>43,560 sf</u>
Current Buildout Potential (RM):	32,000 sf	32,000 sf	38,136 sf	55,560 sf
Plus Proposed Project:				
Covered Equestrian Arena at .025 FAR, at least 20,000 sf, no more than 60,000 sf	<u>21,780 sf</u>	<u>43,560 sf</u>	<u>60,000 sf</u>	<u>60,000 sf</u>
Proposed Total Square Footage (RM):	53,780 sf	75,560 sf	98,136 sf	115,560 sf

Definitions of Use Types

For purposes of the proposed amendments, the following definitions related to the various types of uses described in the amendment are as follows:

Residential and Residential Accessory: Consistent with Section 17.06.030 of the Alameda County zoning ordinance, these uses include: ²

- One single-family dwelling or single-family mobile home
- a secondary dwelling unit (subject to and consistent with the provisions of the County policy on secondary dwelling units)
- an agricultural caretaker dwelling(s), and agricultural employee housing³

² All existing provisions of the Alameda County Zoning Ordinance related to residential Site Development Review requirements (other than FAR limits) continue to apply and are not affected by this amendment

³ These residential uses are considered to be agricultural uses and can be outside the two-acre building envelope

Agricultural Buildings: Uses defined as ‘agricultural buildings’ include those structures that are directly related to the primary agricultural use of the property. The County Agricultural Advisory Committee has recommended the following definition for Agricultural Buildings, to be added to the zoning ordinance as part of a separate process.

- Agricultural Building: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, olives, nuts, hops, wine or other horticultural products in bins, tanks, barrels, case goods or other storage vessels. This structure shall allow for the processing, treatment, packaging and storage of agricultural/ horticultural products. This structure shall not be a place of human habitation nor shall it be a place used by the public or for social events.

It is anticipated that the list of acceptable Agricultural Buildings will include the following:⁴

- accessory farm buildings (including stable, barn, pen, maintenance shops, corral, or coops)
- building or rooms for packing or handling agricultural products raised on the premises, or a packing house for fruit or vegetables not raised on the premises (but not including a cannery, or a plant for food processing or freezing)
- stands for the retail sale of agricultural items produced or raised on the premises
- winery, microbrewery or olive oil mill (includes production and maintenance facilities, and cooperage)
- facilities for the breeding or training of horses as part of a ranch or farm operation
- facilities for the boarding and/or training of horses not owned by the property owner, including a covered equestrian arena
- killing and dressing of poultry, rabbits and other small livestock raised on the premises, but not including an abattoir
- cannabis cultivation (including greenhouses) and cannabis testing laboratory (subject to and in compliance with Chapter 6.106, 6.108, 6.109, 17.06.040 and 17.52.585 of the County Code of Ordinances)

Non-Residential Buildings: This category of building types includes all of the Agricultural Building types listed above, plus other buildings that contain uses which are accessory or incidental to the primary on-site agricultural use. These additional uses include:⁵

- visitor centers at wineries, microbreweries, or olive oil mills (e.g., a day use facility which may include tours and on-site tasting, retail sales of wine, beer, or olive oil and related items, and marketing activities)
- administrative offices and maintenance buildings, when accessory to a principal agricultural use
- buildings or structures intended to house various temporary cultural and social events (e.g., catered banquets, receptions, concerts, food and wine festivals, races)
- overnight room accommodations for use business associates

⁴ All existing provisions of the Alameda County Zoning Ordinance (other than FAR limits) related to administrative conditional use permits, conditional use permits and Site Development Review requirements continue to apply and are not affected by this amendment

⁵ All existing provisions of the Alameda County Zoning Ordinance (other than FAR limits) related to administrative conditional use permits, conditional use permits and Site Development Review requirements continue to apply and are not affected by this amendment

- bed-and-breakfast inns
- small restaurants
- cannabis distribution and cannabis retail sales (subject to and in compliance with Chapter 6.106, 6.108, 6.109, 17.06.040 and 17.52.585 of the County Code of Ordinances)

Likely Physical Implications of the Project

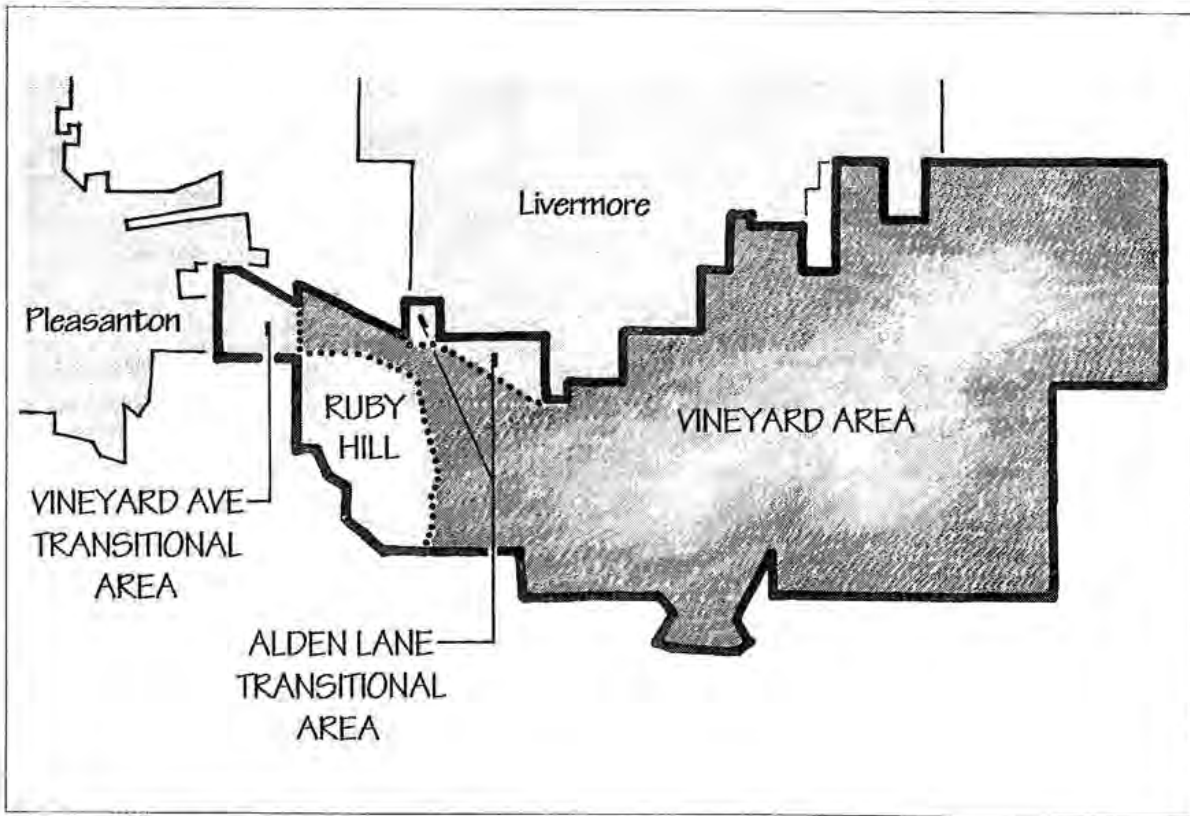
Whereas the currently proposed amendments to the development potential of East County properties applies to all parcels designated as either Large Parcel Agriculture or Resource Management, it is unrealistic to assume that all, or even a large share of property owners will take advantage of these new provisions. Most of the properties that are designated under the current General Plans (ECAP and Castro Valley General Plan) are large, privately held and remote grazing lands located north of Livermore and Pleasanton, or in the more remote and steep Canyonlands, and are likely not candidates for equestrian boarding stables or riding academies, or agriculture-related buildings. Many of the other properties that have these General Plan designations that are located south of Livermore and Pleasanton are within or near San Francisco Water Department lands and watershed lands surrounding San Antonio and Calaveras Reservoirs, the Sunol Watershed and the Arroyo de la Laguna. These more remote properties are also not likely candidates for equestrian boarding stables or riding academies, or new agriculture-related buildings at the higher FAR.

For purposes of this environmental review, a most likely physical development scenario has been prepared using the following conservative (i.e., generous) assumptions about new development that might take advantage of the increased development potential of the proposed amendments to Measure D.

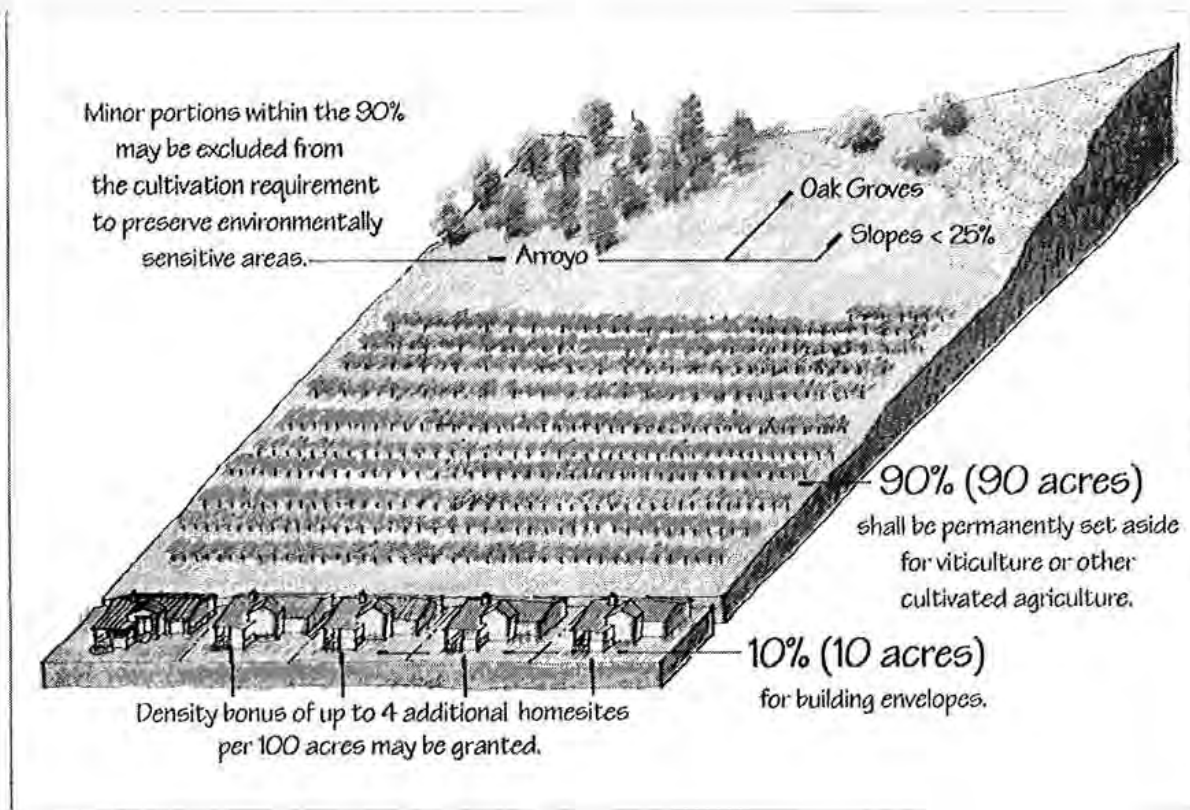
South Livermore Valley Wineries

In 1993, the County of Alameda and the cities of Livermore and Pleasanton completed a multi-year planning process aimed at protecting and rejuvenating the South Livermore Valley as a premium wine-producing region, resulting in the preparation of the *South Livermore Valley Area Plan* (SLVAP) and its accompanying EIR. The SLVAP includes approximately 14,000 acres of unincorporated land that extends in a broad crescent around the southern edge of the cities of Livermore and Pleasanton, and encompasses the majority of the most suitable agricultural and viticulture land between Livermore' city limits and the ridge lands to the south, east and west (see **Figure 4**). The SLVAP land use policy is intended to preserve existing vineyards and wineries, to enhance recognition of the area as an important premium wine-producing region, to create incentives for investment and expansion of vineyards and other cultivated agriculture, and to preserve the area's unique rural, scenic and historic qualities. Among its goals, the SLVAP specifically calls for the expansion of cultivated agricultural acreage, particularly viticulture, from approximately 2,100 acres to a minimum of 5,000 acres.

To achieve these goals, the SLVAP includes a density bonus system that provides economic incentives to encourage landowners to expand viticulture acreage. The density bonus permits up to four additional home sites per 100 acres, if the applicant can demonstrate that the density bonus will contribute substantially to the goal of promoting viticulture or other cultivated agriculture. The SLVAP also permits clustering of these home sites onto 2-acre building sites. The clustering provisions require a guarantee that a minimum of 90% of the parcel will be permanently set aside for viticulture or other cultivated agriculture, the set-aside acreage will be planted in wine grapes or other cultivated agriculture, and provisions will ensure continued cultivated agricultural use.



South Livermore subareas



Vineyard Area: Cultivated Agriculture Overlay District

Figure 4
South Livermore Valley Area Plan Location

Source: Alameda County, SLVAP, pages 13 and 14,
February 1993

The SLVAP also encourages development of new wineries and other tourist-related development that will attract tourists and increase recognition of the South Livermore Valley as a premium wine-producing region. The SLVAP suggests that such uses could include a wine museum, a culinary institute, conference center, or a resort hotel. These destination-type uses are to be complemented by tourist-serving retail uses such as restaurants, bicycle rentals, art galleries or other small-scale uses that would contribute to the creation of an attractive, full-service destination for visitors to the wine country.

A recent 2022 report has been prepared by UC Davis, titled “*Realizing the Heritage*”. The purpose of this report was to provide an impartial assessment of the economic viability of wine production in the Livermore Valley, including context, background, economic reasoning, and evidence to help address the potential to maintain and perhaps expand profitable commercial wine grape and wine production in the Livermore region. This report finds that, “Livermore’s grape acreage in year 2020 was about 2,800 acres, far below the 5,000-acre minimum goal”,⁶ and “Livermore’s grape supply comes from 125 vineyards, most of which are small and independent. Sixty-eight vineyards are under ten acres in size and 36 are over ten but less than 20 acres. Collectively these 104 vineyards accounted for 878 acres or about 32% of all vineyard acreage”.⁷

Theoretical Maximum Development Potential

One of the objectives of the proposed ballot measure (i.e., the Project) is to raise the current FAR limitations for agricultural-related development on those agricultural lands within the South Livermore Valley, which may be hindering growth in the viticulture industry. The following **Table 2** demonstrates the increased development potential that could theoretically result from the proposed Project, as applied to all existing and potential future vineyards in the South Livermore Valley. This scenario represents a worst-case, or theoretical maximum development potential of all vineyards within the South Livermore Valley.

⁶ Lapsley and Sumner, “*Realizing the Heritage – Grape Growing and Winemaking in the Livermore Valley*”, UC Davis, 2022, page 72

⁷ Lapsley and Sumner, 2022, page 12

Table 2: Theoretical Non-Residential and Agricultural Building Potential in South Livermore Valley

<u>Development Potential, Current 1% FAR</u>					<u>Development Potential with Project at 3.5% FAR</u>		
<u>Existing Vineyards</u>					<u>Existing Vineyards</u>		
<u>Avg. Parcel Size</u>	<u># of Vineyards¹</u>	<u>Total Acreage¹</u>	<u>Development Potential per Vineyard²</u>	<u>Total Development Potential²</u>	<u># of Vineyards</u>	<u>Development Potential per Vineyard³</u>	<u>Total Development Potential³</u>
5 acres	68	360	20,000 sf (max)	1.36 msf	68	20,000 sf (max)	1.36 msf
15 acres	36	520	20,000 sf (max)	0.72 msf	36	22,100 sf @3.5% FAR	0.80 msf
35 acres	8	280	20,000 sf (max)	0.16 msf	8	53,400 sf @3.5% FAR	0.43 msf
75 acres	9	680	32,670 sf @ 1%	0.29 msf	9	114,300 sf @3.5% FAR	1.03 msf
140 acres	7	980	61,000 sf @1%	0.43 msf	7	213,400 sf @3.5% FAR	<u>1.49 msf</u>
Subtotal:	125	2,800		2.96 msf	125		5.11 msf
					Increased Development Potential:		2.15 msf
<u>Potential Future (New) Vineyards^{4,5}</u>					<u>Potential Future (New) Vineyards^{4,6}</u>		
5 acres	48	250	20,000 sf (max)	0.96 msf	48	20,000 sf (max)	0.96 msf
15 acres	27	390	20,000 sf (max)	0.54 msf	27	22,100 sf @3.5% FAR	0.60 msf
40 acres	7	250	20,000 sf (max)	0.14 msf	7	53,400 sf @3.5% FAR	0.37 msf
75 acres	8	600	32,670 sf @ 1%	0.26 msf	8	114,300 sf @3.5% FAR	0.91 msf
140 acres	5	700	61,000 sf @1%	0.30 msf	5	213,400 sf @3.5% FAR	1.07 msf
Subtotal:	95	2,200		2.21 msf	95		3.91 msf
Total:	220	5,000		5.17 msf	220		9.02 msf
					Increased Development Potential:		3.85 msf

Notes:

- Existing number of vineyards and total acreage in planted viticulture is derived from UC Davis, "Realizing the Heritage", 2022, page 25-26
- Current development potential of existing wineries is based on the current ECAP limits of 1% FAR (but not less than 20,000 square feet), times the total number of existing vineyards within each average parcel size category
- The maximum development potential per existing vineyard is based on the proposed 3.5% FAR (but not less than 20,000 square feet), times the total number of existing vineyards within each category of average parcel size. This is a highly conservative assumption, presuming that all existing vineyards in the South Livermore Valley will take advantage of the increased development potential
- The potential number of future vineyards, average parcel size and total new acreage in planted viticulture is extrapolated from UC Davis, "Realizing the Heritage" (2022), assuming that the south Livermore Valley achieves its goal of 5,000 acres in planted wine grapes, and assuming that future parcelization would resemble (or be proportional to) current parcel patterns.
- Potential future development of new wineries is based on the current ECAP limits of 1% FAR (but not less than 20,000 square feet), times the total number of estimated new vineyards, as calculated per Note #4.
- The maximum development potential for future wineries is based on the proposed 3.5% FAR (but not less than 20,000 square feet), times the total number of anticipated future vineyards within each category of average parcel size. This is a highly conservative assumption, presuming that all future vineyards in the South Livermore Valley will take advantage of the increased development potential.

As indicated in this Table, the theoretical maximum development potential of vineyard lands within South Livermore is approximately 5.1 million square feet of non-residential building space under current FAR limitations, and could potentially be increased to over 9 million square feet pursuant to the proposed additional 2.5% FAR increase for agricultural buildings. However, as described more specifically below, this theoretical maximum development scenario is not reasonably foreseeable.

Reasonably Foreseeable Development Potential for Wineries

According to the UC Davis report, “*Realizing the Heritage*”, although there are 125 separate vineyards, there are only approximately 48 wineries in the Livermore Valley.⁸ Most of South Livermore Valley’s vineyards are under 20 acres in size and most of the owners of these small vineyards either hire vineyard managers, lease their vineyard to a larger vineyard operator, and/or sell their grapes to other local or more distant wineries. Of the 48 wineries in the South Livermore Valley:

- 22 wineries are very small, producing fewer than 2,000 cases each, and at an average of just under 800 cases
- 19 wineries sell between 2,000 and 6,000 cases, at an average of 3,432 cases
- 5 wineries sell between 10,000 and 25,000 cases, at an average of 18,800 cases, and
- 2 large wineries, Wente and Concannon, are much larger than any of the other wineries in the Livermore Valley and sell on average 700,000 and 100,000 cases of wine each year, respectively⁹

Of the 22 very small wineries, few if any of these smaller operations rely on the full 20,000 square-foot maximum non-residential development potential of the current Measure D regulations. Based on a limited review of these smaller wineries, most are operating within between 5,000 and 12,000 square feet of non-residential building space. These smaller wineries are unlikely to take advantage of the increased FAR potential as proposed pursuant to the Project. Accordingly, the increased FAR potential as proposed pursuant to the Project is more likely to be beneficial to existing and potential future mid-size to larger wineries. Based on these factors, a more reasonably foreseeable (or likely) scenario for potential winery expansion within the South Livermore Valley is as shown in **Table 3**.

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**Table 3: Likely Winery Development in South Livermore Valley
Current 1% FAR vs. Project at 3.5% FAR**

<u>Approximate Winery Development, per Current 1% FAR</u>					<u>Reasonable or Likely Winery Development with Project, at 3.5% FAR</u>		
<u>Existing Wineries</u>					<u>Existing Wineries</u>		
<u>Avg. Parcel Size</u> ¹	<u>Total Acreage</u> ¹	<u># of Wineries</u> ¹	<u>Likely sf per Winery</u> ²	<u>Total Winery Bldg. Space</u> ²	<u># of Wineries</u>	<u>Likely sf per Winery</u> ³	<u>Likely Winery Bldg. Space</u> ³
5 acres	360	22	5,000 sf (avg.)	110 ksf	22	5,000 sf (avg.)	110 ksf
15 acres	520	19	12,000 sf (avg.)	228 ksf	19	12,000 sf (avg.)	228 ksf
35 acres	280	4	20,000 sf (max)	80 ksf	4	53,400 sf @3.5% FAR	213 ksf
75 acres	680	1	32,670 sf @ 1%	33 ksf	1	114,300 sf @3.5% FAR	114 ksf
140 acres	980	2	61,000 sf @1%	122 ksf	2	213,400 sf @3.5% FAR	<u>427 ksf</u>
Subtotal:	2,800	48		573 ksf	48		1,093 ksf
					Increased Development Potential:		520 ksf sf
<u>Likely Future (New) Wineries</u> ^{4,5}					<u>Likely Future (New) Wineries</u> ^{4,6}		
5 acres	250	16	5,000 sf (avg.)	80 ksf	16	5,000 sf (avg.)	80 ksf
15 acres	390	14	12,000 sf (avg.)	168 ksf	14	12,000 sf (avg.)	168 ksf
35 acres	250	3	20,000 sf (max)	60 ksf	3	53,400 sf @3.5% FAR	160 ksf
75 acres	600	1	32,670 sf @ 1%	33 ksf	1	114,300 sf @3.5% FAR	114 ksf
140 acres	700	2	61,000 sf @1%	<u>122 ksf</u>	2	213,400 sf @3.5% FAR	<u>427 ksf</u>
Subtotal:	2,200	36		462 ksf	36		949 ksf
Total:	5,000	84		1.035 MSF	84		2.042 MSF
					Increased Development Potential:		1.006 MSF

Notes:

- Existing number of vineyards, wineries, average parcel size and total acreage in planted viticulture is derived from UC Davis, "Realizing the Heritage", 2022
- Approximate building space in existing wineries is based on the current ECAP limits of 1% FAR (but not less than 20,000 square feet), times the total number of existing wineries within each average parcel size category, and using more likely winery space for small wineries, based on a limited set of examples
- The maximum development potential per existing vineyard is based on the proposed 3.5% FAR, times the total number of existing vineyards within each category of average parcel size.
- The potential number of future vineyards, wineries, average parcel size and total new acreage in planted viticulture is extrapolated from UC Davis, "Realizing the Heritage" (2022), assuming that the south Livermore Valley achieves its goal of 5,000 acres in planted wine grapes, and assuming that future parcelization and winery development would resemble (or be proportional to) current parcel patterns and wineries per vineyard
- Potential future development of new wineries is based on the current ECAP limits of 1% FAR, times the total number of estimated new vineyards, as calculated per Note #4.
- The maximum development potential for future wineries is based on the proposed 3.5% FAR (but not less than 20,000 square feet), times the total number of anticipated future vineyards within each category of average parcel size. This is a highly conservative assumption, presuming that all future vineyards in the South Livermore Valley will take advantage of the increased development potential.

Conclusions

A few conclusions pertaining to future development within the South Livermore Valley can be drawn from the scenarios presented above, specific to winery and agricultural-related development in the South Livermore Valley:

- The “theoretical buildout” scenario suggests that under the current 1% FAR limits, the South Livermore Valley could realize as much as 5 million square feet of total non-residential development, with the potential to increase this non-residential development to as much as 9 million square feet pursuant to the Project. This ‘theoretical buildout’ scenario (under both current 1% FAR limits and the increased 3.5% FAR limits pursuant to the Project) is not reasonably foreseeable. It assumes that all existing and future vineyards in the South Livermore Valley, including the very small vineyards, would include a winery operation, which has not been the case to date (only about one-third of the existing vineyards include a winery) and is unlikely to occur even with the increased development potential pursuant to the Project. It also assumes that existing and future small vineyards would maximize their development potential for winery operations, which has also not been the case to date.
- Rather, the “likely” development scenario pursuant to the Project assumes that the majority of smaller vineyards in the South Livermore Valley (both existing small vineyards and potential future small vineyards) will continue to either hire vineyard managers or lease their vineyard to a vineyard operator, and sell their grapes to other larger wineries or on the grape market. Most small vineyards will continue to have either no winery or very small operations. Thus, these small vineyards will be unlikely to take advantage of the increased development potential pursuant to the Project.
- The “likely” development scenario pursuant to the Project demonstrates that the increased development potential pursuant to the Project’s additional 2.5% FAR is likely to be most beneficial to mid- to large-scaled winery operations in the South Livermore Valley. The easing of current regulatory provisions which generally permit only smaller-scaled agricultural development will most likely benefit larger-scale vineyard owners who seek to increase their winery production.
- The “likely” development scenario projects that the South Livermore Valley is more likely to realize about 1 million square feet of total non-residential development under the current 1% FAR limits, with the potential to increase this non-residential development to as much as about 2 million square feet pursuant to the increased FAR pursuant to the Project.

Other factors pertaining to South Livermore Valley that are not affected by the proposed project include the following:

- The proposed Project does not change those current Cultivated Agriculture Overlay District provisions that apply in the South Livermore Valley Area Plan. These provisions allow for a residential density bonus of up to 5 home sites per 100 acres, provided that the new home sites and ancillary uses are allocated on a 10%-portion of the original parcel, with 90% of the original parcel set aside for agricultural areas.
- New commercial uses within the Cultivated Agricultural Overlay District must be appropriate, small-scale uses that promote the area's image as a wine region, and are subject to issuance of a Conditional Use Permit (CUP). New commercial uses proposed as part of a bonus density application are limited to the 10% maximum area of each parcel not dedicated to cultivated agriculture, and should be sited to maximize efficient use of cultivated lands. Wineries and small bed-and-breakfast establishments are examples of appropriate commercial uses.

- The technical amendment to the SLVA Plan adopted by the County in May of 2019 that allow standalone B&B's or small inns up to 14 rooms, including small restaurants with seating up to 49 patrons, remains applicable.
- New commercial development must show that development can be adequately served by a septic system, and that adequate water supplies are available for commercial needs.

Other Vineyard Locations and Other Agricultural Products

The South Livermore Valley is the primary, not the only location within the East County where vineyards have been established, or where new vineyard development may occur. The Sunol Valley and the Castro Valley/Palomares Canyonlands are home to several existing vineyards, and the increased development potential permitted pursuant to the Project may provide a stimulus for expansion vineyards and winery operation in these non-South Livermore Valley locations.

Viticulture is the primary agricultural product in East County, but is not the only type of agricultural operation that could benefit from the increased development projected pursuant to the proposed ballot measure (i.e., the Project). Fruit and nut crops, in particular olive and pistachio orchards, are a growing agricultural sector in Alameda County,¹⁰ including 160 acres of planted olive orchards and 135 acres of pistachios in the South Livermore Valley. The increased development potential permitted pursuant to the Project may provide a stimulus for expansion of fruit and nut production and processing, with newer and larger agricultural operations.

Any property within East County designated as Large Parcel Agriculture could potentially accommodate a new winery and/or a development plan for other types of agricultural products. On a 100-acre site, such a development could include as much as 12,000 square feet of residential use, 43,560 square feet of non-residential use, and an additional 55,560 square feet of agricultural development (or a total of nearly 164,500 square feet of building space) pursuant to the proposed amendments to Measure D's FAR standards. It is not possible to predict whether or how many such facilities may be proposed, but the amendments to ECAP (the Project) would create an opportunity for such facilities to exist throughout the unincorporated East County.

Larger Agricultural Tourism Facilities

It is possible that the increased development potential permitted pursuant to the Project may provide a stimulus that result in the establishment of new, large agricultural operations that may include vineyards, wineries, orchards, equestrian facilities, bed-and-breakfast inns and other agricultural tourism facilities and activities. Such facilities could potentially be located in the South Livermore Valley, the Sunol area or elsewhere in unincorporated Alameda County.

As demonstrated in Table 1 (above), such a facility could include residential and residential accessory uses, non-residential buildings at 1% FAR (or at least 20,000 square feet), additional agricultural buildings at .035 FAR, and a covered equestrian arena as large as 60,000 square feet in size. The maximum development potential under such a scenario, if located on a 100-acre property, could be as large as nearly 225,000 square feet of building space. It is not possible to foresee whether such a facility would actually be proposed, or whether several of such facilities located throughout East County may be economically viable, but the proposed amendments to Measure D (the Project) would create an opportunity for such a facility(s) to exist in the unincorporated East County.

¹⁰ According to the 2019 Alameda County Crop report, revenues from fruit and nut crops had increased from just over \$15 million in 2015 to well over \$22 million dollars in 2019.

Equestrian Facilities

A second objective of the proposed Project is to ease current limits on agricultural-related development for the equestrian industry (i.e., structures and facilities related to the commercial boarding, breeding and training of horses). Based on an inventory conducted by the County in 2012, there were 64 existing horse-boarding facilities in the East County/Castro Valley area at that time. Most of these facilities bordered along the main rural roads of Collier, Crow and Cull Canyon Roads and along Foothill, Greenville, Tesla, Mines, Palomares and Redwood Roads, where horse facilities benefit the most from relatively easy access to nearby urban and rural communities. There is no current horse or facility census, but it is apparent that many horse-boarding facilities have since closed. A current internet search for commercial equestrian facilities in Alameda County identified a total of 37 equestrian facilities and commercial stables within the East County and Castro Valley/Canyonlands area. This includes 8 facilities in the Chabot Regional Park vicinity, 2 facilities in the Pleasanton and Hayward Hills area, 12 in the Crow Canyon/Cull Canyon area, 4 north of I-580 between Dublin and Livermore, 7 in the South Livermore area clustered primarily along Tesla Road, and 6 along SR 84 south of Sunol. The decrease in equestrian facilities may be the result of a wide-range of economic and other factors, but the demand for equestrian industry products and services continues to grow. This is evidenced by the growing number of miles of horse and multi-use trails and trail plans throughout the Bay Area, as well as anecdotal accounts from horse owners who need to travel outside of Alameda County to find boarding vacancies.

Since the passage of Measure D, owners of equestrian facilities have maintained that the currently effective 1% FAR limits inhibit their ability to operate their businesses, and that the proper care and training of horses typically requires more building area than the current FAR limits allow. Recognizing the challenges of the equestrian industry and seeking to keep and attract equestrian facilities, Alameda County converted its permitting process for equestrian facilities from a Conditional Use Permit (a discretionary action) to Site Development Review (an administrative permit), and created an application packet with all-inclusive application requirements, directions and process overview, and supplemental information. However, representatives of the equestrian industry believe that compliance with the 1% FAR limitations remains a barrier to the economic viability of the equestrian industry.

The following **Table 4** demonstrates the increased development that could potentially result from the proposed Project on existing and potential future equestrian facilities in the East County/Castro Valley Canyonlands. This “potential” development scenario represents a worst-case, or theoretical maximum development potential. It assumes that the increased FAR limits as proposed pursuant to the Project could revitalize the equestrian industry in the County to such an extent as to reestablish the 64 horse-boarding facilities in the East County that existed at the time of the County’s inventory in 2012.

Table 4: Potential Equestrian Facility Expansion pursuant to the Project

<u>Current ECAP Development Potential</u>				<u>Development Potential per Project</u>			
<u>Avg. Parcel Size</u>	<u># of Equestrian Facilities</u> ¹	<u>Potential SF per Facility</u> ²	<u>Buildout Potential</u> ³	<u>Plus Covered Equestrian Area</u> ⁴	<u>SF per Facility</u> ⁵	<u>Buildout Potential</u> ⁶	<u>Effective FAR</u>
20 acres	20	20,000 sf	400,000 sf	21,780 sf	41,780 sf	835,600 sf	4.8%
40 acres	20	20,000 sf	400,000 sf	43,560 sf	63,560 sf	271,200 sf	3.6%
80 acres	17	34,848 sf	592,416 sf	60,000 sf	94,848 sf	1,612,416 sf	2.7%
100 acres	6	43,560 sf	261,360 sf	60,000 sf	103,560 sf	621,360 sf	2.4%
300 acres	<u>1</u>	130,680 sf	<u>130,680 sf</u>	60,000 sf	190,680 sf	<u>190,680 sf</u>	<u>1.5%</u>
Total:	64		1.78 MSF			4.53 MSF	3%
						Increased Development Potential	2.75 MSF

Notes:

1. Based on 2012 equestrian survey, Alameda County
2. Based on 1% FAR, or 20,000 sf minimum per current ECAP regulations
3. Maximum square foot potential per facility, times number of facilities
4. Project proposal to allow a maximum FAR of 0.025, with at least 20,000 square feet allowed on smaller parcels, up to a maximum of 60,000 square feet on larger parcels, for covered equestrian riding arenas
5. 1% FAR per facility, plus covered equestrian riding arena at each facility
6. Maximum square foot potential per facility (including covered riding arena), times number of facilities

This “potential” development scenario is unlikely to be fully realized as it is based on two very aggressive assumptions. The first very aggressive assumption is that the number of equestrian facilities in the East County/ Castro Valley Canyonlands will rebound from the current 27 facilities to the 2012 inventory of 64 facilities, or more than double the current number of facilities. Secondly, it assumes that all 64 equestrian facilities will choose to construct a new covered equestrian arena. Unlike South Livermore vineyards and wineries, there is no current census or economic projection to substantiate this scenario or to adjust this scenario to a “more likely” conclusion.

Initial Study / CEQA Checklist

The following Initial Study/CEQA Checklist provides an assessment of the potential environmental impacts that may result from amending Measure D (and thereby the 2002 ECAP and 2012 CVGP, as amended pursuant to the November 2000 Ballot Measure D, i.e., the Project). Consistent with CEQA Guidelines Section 15063, this Initial Study identifies potential environmental effects of the Project using a checklist method, with adequate explanation and evidence to support the Checklist entries and conclusions. These explanations include narrative analysis of the Project. The Checklist uses the following acronyms for CEQA conclusions:

- No Impact - for environmental factors that would not be affected in any manner
- LTS - for less than significant impacts
- LTS w/RR - for impacts that would be reduced to LTS with implementation of identified regulatory requirements (including regulations, standard conditions and/or policy requirements), including measures identified in an applicable prior program EIR
- SU - for significant and unavoidable impacts

The following Initial Study/CEQA Checklist also provides a summary of the potential for new or more severe environmental impacts that may result from implementation of the Project as compared to impacts identified in the certified 1994 ECAP EIR and 2012 CVGP EIR. This Checklist provides updated information on environmental conditions, as appropriate.

This CEQA Checklist hereby incorporates by reference the analysis of all potential environmental impact topics included in the prior 1994 ECAP EIR and 2012 CVGP EIR. The significance criteria from these prior EIRs have been consolidated, adjusted, and/or abbreviated in certain portions of this CEQA Checklist for administrative purposes. This CEQA Checklist provides a determination of whether the proposed Project would result in:

- Equal or Less Severity of impact as previously identified in the 2002 ECAP and 2012 CVGP EIR; or
- Substantial Increase in the severity of previously identified significant impacts as disclosed in the 2002 ECAP and 2012 CVGP EIR; or a new significant impact

Pursuant to CEQA Guidelines Section 15162, this assessment considers the potential for such new or more severe environmental impacts, based on the potential for:

- Substantial changes to the East County Area Plan as previously analyzed;
- Substantial changes in circumstances under which the Project will be undertaken; or
- Substantial new information not known at the time the 1994 ECAP EIR and/or 2012 CVGP EIR were certified.

The proposed Project is required to comply with applicable mitigation measures identified in the 1994 ECAP EIR, all current regulatory and policy requirements, and with applicable conditions of approval identified by County of Alameda in the ECAP EIR and CVGP EIR.

Castro Valley General Plan EIR Analysis

The Castro Valley General Plan area and its EIR analysis included the approximately 38 square miles of urbanized land area within its boundaries, but specifically excluded the Canyonlands and other areas outside of the UGB that Alameda County voters approved in 2000. Appendix A to the Castro Valley General Plan specifically acknowledged that the Castro Valley and Palomares Canyonlands are subject to the Measure D restrictions with respect to minimum parcel size, amount and nature of development, development envelopes, floor area ratios

and maximum floor areas, and permissible uses as imposed on the Resource Management land use designations of the 2002 ECAP. Accordingly, the Castro Valley General Plan EIR did not identify any environmental effects attributed to, or on those Resource Management lands. The Castro Valley General Plan's development regulations for these Resource Management lands would be amended if the Project were to be approved.

Agriculture and Forestry Resources

Would the Project:	1994 ECAP EIR Findings	Relationship to 1994 ECAP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Policies and Regs	Resulting LOS
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use	SU	■	□	-	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract	Less than Significant	■	□	ECAP Table 5: Standards for Subdivision and Site Development Review for Agricultural Parcels	Less than Significant
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))	No Impact	■	□	-	No Impact
d) Result in the loss of forestland or conversion of forestland to non-forest use					

Prior EIR Conclusions

Conversion of Farmland

The 1994 ECAP EIR concluded that new urban development could result in the conversion of prime agricultural land to non-agricultural uses (Potential Impact 5.2-1).¹¹

The 1994 ECAP established an Urban Growth Boundary (UGB). The area inside the UGB was determined suitable for urban development, and the area outside the UGB was determined appropriate for agriculture and open space uses. A large portion of the County's agricultural soils was within the UGB, and almost all of the areas of Prime Farmland were within the boundaries of the existing cities. The largest area of undeveloped Prime soil in

¹¹ Alameda County, *ECAP Draft EIR*, 1993 page 5.2-12

the unincorporated East County was located in the Mountain House area, and was designated as Large Parcel Agriculture and remained outside the UGB.

ECAP policies discouraged the conversion of Prime Soils, Farmland of Statewide Importance and Unique Farmland outside the UGB (current ECAP Policy 71). The importance of preserving Prime Ag soils in the Mountain House area for intensive agricultural use was also recognized (current ECAP Policy 72). Nevertheless, small pockets of prime soils were expected to be converted to urban uses pursuant to the 1994 ECAP. Policies and programs of ECAP were found to lessen the impact of urban development on agricultural soils, but no mitigation was determined to be available to reduce the impact to a less than significant level. This was considered a significant and unavoidable impact of the 1994 ECAP.

Conflict with Existing Zoning for Agricultural Use, or Williamson Act Contracts

The 1994 ECAP EIR found that encroachment of incompatible uses into agriculturally zoned areas could be detrimental to the continued viability of agricultural operations (Potential Impact 5.2-3), and that development in accordance with the 1994 ECAP Land Use Diagram could lead to premature loss of agricultural lands under Williamson Act contracts (Potential Impact 5.2-2).

However, the 1994 ECAP EIR concluded that, with implementation of ECAP policies and programs, no significant impact on agriculturally zoned land or on lands under Williamson Act contracts outside the UGB would result, and no mitigation measures were required. The 1994 ECAP EIR also concluded that ECAP policies and programs prevented cancellation of a Williamson Act contracts, except where specific findings that allow for the orderly development of urban uses and that ensure the continued agricultural viability on adjoining parcels could be made.

Changed Circumstances – Measure D

At the time Measure D was approved, the California Resources Agency identified a total of approximately 9,475 acres of farmlands (Prime Soils, Farmland of Statewide Importance and Unique Farmland) within East County, with approximately 7,780 acres (or 82% of all farmlands) as being outside of the UGB. Approximately 1,680 acres (or 18% of all farmlands) were identified as being within the UGB.¹²

Key policy additions incorporated into the 2002 ECAP and the 2012 CVGP pursuant to Measure D included the following:

Policy 78: In areas designated Large Parcel Agriculture, the County shall permit agricultural processing facilities (for example wineries, olive presses) and limited agricultural support service uses that primarily support Alameda County agriculture, are not detrimental to existing or potential agricultural uses, demonstrate an adequate and reliable water supply, and comply with the other policies and programs of the Initiative.

Policy 95: Outside the Urban Growth Boundary, the County may approve divisions of parcels only to the extent consistent with the Initiative, and, if applicable, the criteria set forward in Table 5 Standards for Subdivision and Site Development Review for Agricultural Parcels are met. In evaluating a subdivision application, the analysis shall assume that each parcel includes a building envelope which could be developed with a residence (even if a residence is not proposed as part of the application).

Policy 96: In areas outside the County Urban Growth Boundary designated Large Parcel Agriculture, Resource Management or Water Management Lands, the number of parcels that may be created,

¹² California Resources Agency, Farmland Mapping and Monitoring Program, California Important Farmland: 1984-2018, accessed at: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>

the residential units permitted on each parcel, the size of the development envelope, the maximum floor areas and floor area ratios, and the uses permitted (see Table 6) may not be increased.

Policy 99: The County shall require all tentative maps in areas designated Large Parcel Agriculture or Resource Management to identify a building envelope of no more than two acres on each proposed parcel. All residential development and residential accessory uses shall be located within that building envelope. On-site housing for farm employees who require full-time, on-site residency is considered an agricultural use and is not limited to the identified two-acre building envelope.

Program 34: Notwithstanding any other provision of the Initiative, the County may permit residential and other structures allowed on a parcel or adjoining parcels on land designated Large Parcel Agriculture, Resource Management or Water Management Lands to be clustered on one or more of the parcels on adjacent development parcels not to exceed 2 acres each. No additional residential units may be built, except a bonus of one residential unit for each 5 residential units clustered may be permitted.

For each residential unit clustered, an area equal to the minimum parcel size otherwise applicable to the parcel from which the unit was derived, minus the area of the clustered parcel, shall be protected permanently from further development. An exception for agricultural structures necessary for agricultural use, by dedication of a conservation easement on a single, continuous area to Alameda County or by other comparably effective means, may be permitted.

Except as provided in this program, all clustering shall comply with the provisions of the Initiative. Care shall be taken in permitting clustering not to impair existing or potential agricultural uses, water quality, or environmental or visual values. Consistent with those requirements, clustering shall be configured to maximize the amount of contiguous agricultural acreage.

These policy amendments made in the 2002 ECAP and certain provisions of the CVGP (consistent with Measure D) substantially reduced the extent of potential impacts related to the conversion of agricultural soils outside of the UGB, but no CEQA document was prepared to document these changed circumstances.

Agricultural Zoning

Important ECAP policies and programs that were added, revised or enacted by Measure D, and that are specific to agricultural zoning provisions include ECAP Table 5: Standards for Subdivision and Site Development Review for Agricultural Parcels, and Table 6: East County Land Use Designations, Densities and Uses. These land use policies are more restrictive than the original 1994 ECAP. Specific standards related to agricultural zoning and Williamson Act contracts as provided in these current ECAP tables include the following:

- One contiguous building envelope of no more than two-acre shall be designated on each parcel. All residential development and residential accessory uses shall be located within the designated building envelope.
- The subdivision of land shall not interfere with the ability to initiate or continue agricultural use or wind energy development on-site or on adjacent parcels either directly (by the location of fencing or structures) or indirectly (by introducing incompatible land uses or increasing the speculative value of the land for non-agricultural uses).
- The subdivision shall not adversely affect the potential agricultural productivity of the property or on-going agricultural uses in the vicinity.
- The subdivision shall be configured to optimize the availability of soils best suited for agricultural use, as determined through consideration of soil and geotechnical characteristics, including soil classifications and the location of landslides, water sources, faults and related features.

- The subdivision of parcels under Williamson Act contract shall be consistent with State and County Williamson Act requirements.
- The subdivision shall be consistent with any existing agricultural easements.

In areas outside the County UGB designated Large Parcel Agriculture or Resource Management, the number of parcels that may be created, the residential units permitted on each parcel, the size of the development envelope, the maximum floor areas and floor area ratios, and the uses permitted may not be increased. These standards for lands designated as Large Parcel Agriculture include:

- The minimum parcel size shall be 100 acres
- Residential and residential accessory uses shall not be more than 12,000 square feet in floor area
- The maximum non-residential floor-to-area ratio (FAR) is .01, but not less than 20,000 square feet
- The standards for lands designated as Resource Management are the same, but with the expectation that development density is usually transferred off-site or the property is purchased.

These standards as incorporated into the 2002 ECAP substantially reduced potential impacts related to encroachment of incompatible uses into agriculturally zoned areas that could be detrimental to the continued viability of agricultural operations, and substantially reduced the premature loss of agricultural lands under Williamson Act contracts, but no CEQA document was prepared to document these changed circumstances.

Project Analysis

Conversion of Farmland

As of 2018 (the most recent date for which data is available), the California Resources Agency identified a total of approximately 6,209 acres of Farmlands (Prime Soils, Farmland of Statewide Importance and Unique Farmland) within East County (see **Figure 5**). Approximately 5,550 acres (or 89% of all Farmlands) are identified as being outside of the UGB, and only approximately 660 acres (or nearly 11% of all Farmlands) were identified as remaining within the UGB.¹³

The proposed amendments to Measure D pursuant to the Project would increase the development potential for agriculture buildings (i.e., structures intended for agricultural uses) and for equestrian facilities (covered arenas). However, consistent with the continuing provisions of Measure D and the 2002 ECAP (as well as the RM-designated lands within the CVGP), all buildings located in the Large Parcel Agriculture or Resource Management land use category, including buildings permitted pursuant to the Project's increased development potential, must be located on a contiguous development envelope not to exceed 2 acres. These buildings may be located outside this 2-acre envelope only if necessary for security reasons, or if structures are necessary for agricultural use. The proposed amendments to Measure D pursuant to the Project would not remove the 2-acre development envelope requirement, and would not introduce the potential for expanded conversion of agricultural lands to non-agricultural use. This impact would be less than significant.

¹³ California Resources Agency, Farmland Mapping and Monitoring Program, California Important Farmland: 1984-2018, accessed at: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>

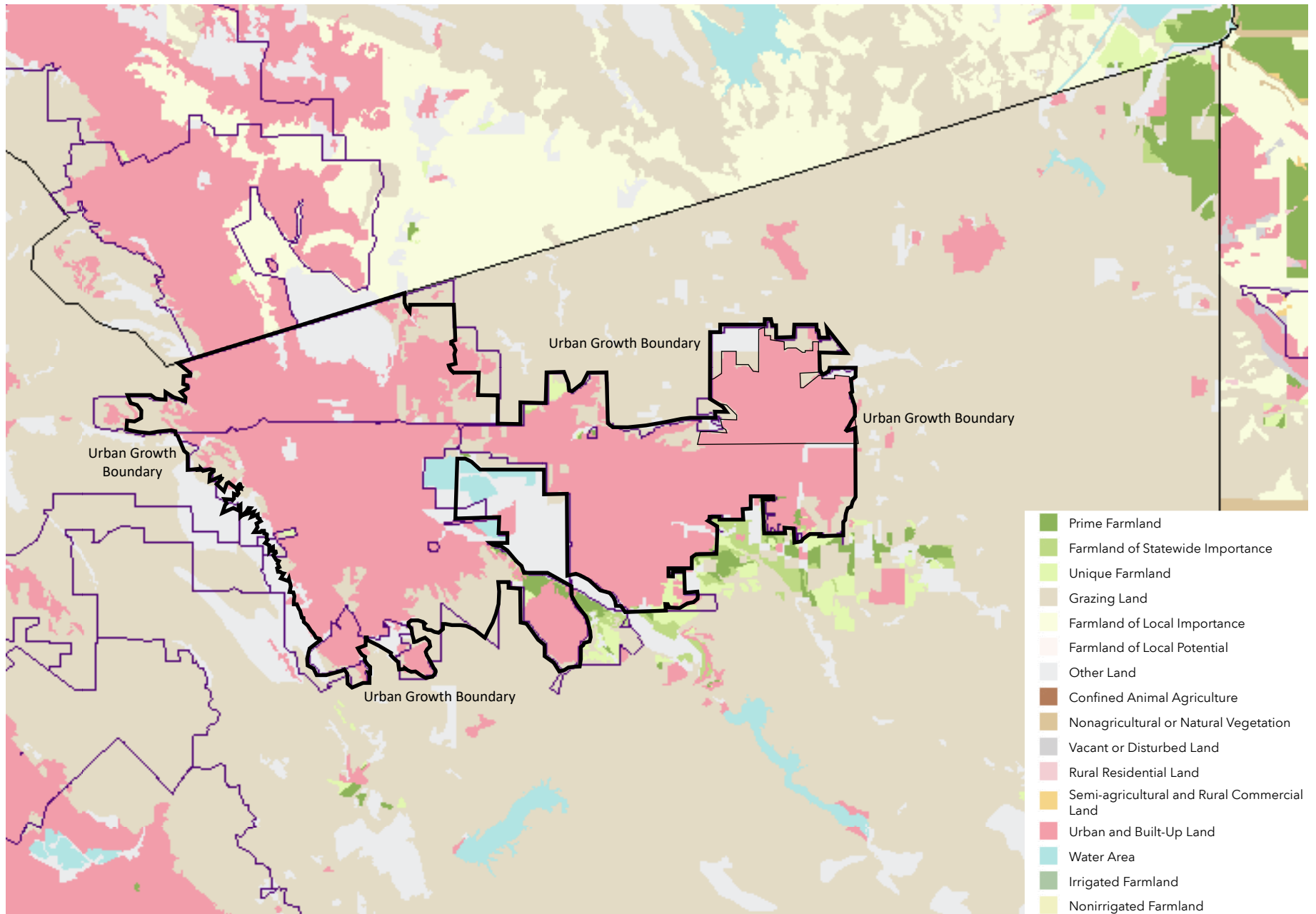


Figure 5
Prime Soils, Farmland of Statewide Importance and Unique Farmland)
within East County

Source: California Dept. of Conservation, Farmland Mapping and Monitoring Program,
 accessed at: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>

Furthermore, the increased development potential pursuant to the Project may facilitate the establishment of increased vineyards within South Livermore Valley and elsewhere within unincorporated County, on lands that are currently identified under the Farmland Mapping and Monitoring Program as grazing land. It is likely that the California Resources Agency may re-designate new vineyards from grazing or 'other lands', to Statewide or Unique farmland, recognizing vineyards as being sustained production of a specific high quality and high yield crop of economic importance to California. Under this potential outcome, the Project may result in an increase of designated farmlands within unincorporated Alameda County.

Agricultural Uses

The proposed amendments to Measure D pursuant to the Project would increase the development potential for agriculture buildings (i.e., structures intended for agricultural uses) and for equestrian facilities (covered arenas). However, agricultural buildings (including wineries and winery accessory uses) are identified as a principal permitted use in the County's Agriculture (A) zoning district. Horse boarding facilities, which encompass commercial breeding and training facilities, are also a permitted use in the A zone district through the Site Development Review process, and are therefore consistent with the A zone district. The proposed amendments to Measure D pursuant to the Project would not fundamentally conflict with permitted uses within an agricultural zoning district. Impacts related to inconsistencies with agricultural uses on lands zoned for agriculture would be less than significant.

Development Standards for Agriculturally Zoned Lands

The proposed amendments to Measure D pursuant to the Project to increase the maximum permitted non-residential FAR from 0.01 to a combined non-residential and agricultural building FAR of 0.035 are a direct departure from current ECAP standards and the corresponding A District zoning regulations pertaining to allowable density of development on agricultural lands. Similarly, the increased development potential for covered equestrian areas is a direct departure from current Measure D/ECAP standards and the zoning regulations. However, these changes would not affect any of the other development standards or regulations that apply to agricultural development or to the subdivision of agricultural lands in East County. Among the remaining Site Development Review standards and regulations, those that will continue to protect and preserve agricultural lands include, but are not limited to the following:

- a minimum 100-acre parcel size
- the requirement for one contiguous building envelope of no more than two-acres, to be designated on each parcel proposed for development, with new development generally limited to that building envelope
- the SDR standard requiring that new subdivisions of land not interfere with the ability to initiate or continue agricultural use on-site, or on adjacent parcels either directly (by the location of fencing or structures) or indirectly (by introducing incompatible land uses or increasing the speculative value of the land for non-agricultural uses
- The SDR subdivision standard requiring that new parcels be configured to optimize the availability of soils best suited for agricultural use

Impacts related to inconsistencies with agricultural zoning would be less than significant.

Williamson Act Provisions

Alameda County's Uniform Rules and Procedures govern agricultural preserves and Williamson Act Contracts. The purpose of this Alameda County Agricultural Preserve Program is to preserve and protect agricultural and open space lands for the production of food and fiber, as well as for limited types of open-space that have scenic and habitat value. The Uniform Rules and Procedures define 'agricultural use' as, "the use of land for the

purpose of producing an agricultural commodity for commercial purposes”. Agricultural commodities include commercially bred horses. The commercial breeding and training of horses constitutes a commercial agricultural use of contracted property if the commercial thresholds for such an operation can be met. The Uniform Rules also describe standards of development for recreational uses of horses as a compatible use on lands under Williamson Act contract. The standards are rigorous and would help to ensure a relatively high quality of development and use on lands encumbered by such contracts. The proposed amendments to Measure D pursuant to the Project do not affect these Uniform Rules. Each commercial equestrian facility located on Williamson Act lands and seeking to use the covered arena provisions of the proposed amendments to Measure D would need to satisfy these Rules. Impacts related to inconsistencies with agricultural zoning and Williamson Act provisions would be less than significant.

Forestlands and Timberland Zoning

East County does not have any zoning for forestland or timberland for commercial agricultural timber production (as defined by Government Code section 51104(g)). Neither the 1994 ECAP EIR nor the amended 2002 ECAP addressed the potential loss of such forestland or conversion of forestland to non-forest use. The currently proposed amendments to Measure D pursuant to the Project would have no impact related to forestland or timberland agriculture.

CEQA Conclusions Pertaining to Agriculture

Based on an examination of the analysis, findings and conclusions of the 1994 ECAP EIR, as well as consideration of the newer circumstances specific to 2001 amendments to ECAP pursuant to Measure D, implementation of the amendments to Measure D pursuant to the Project would not substantially increase the severity of significant agricultural impacts as identified in the prior EIRs. Implementation of the amendments to Measure D pursuant to the Project would not result in new significant impacts related to agriculture that were not identified in that prior EIR. There is no new information that was not known and could not have been known at the time the 1994 ECAP EIR or the 2012 CVGP EIR were certified that shows that the proposed amendments to agricultural building intensity on parcels designated as Large Parcel Agriculture or Resource Management would have more, or more severe, significant effects on agriculture. With required Site Development Review by the County, impacts on agricultural resources would be less than significant.

Air Quality and Greenhouse Gas Emissions

Would the Project:	1994 ECAP EIR Findings	Relationship to 1994 ECAP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Policies and Regs	Resulting LOS
a) Violate any ambient air quality standard	SU	■	□	-	No Impact
b) Contribute substantially to an existing or projected air quality violation	SU	■	□	-	No Impact
c) Conflict with adopted environmental plans and goals of the community where it is located	Less than Significant with MM	■	□		Less than Significant
d) Result in nuisance or health risk from pollutant emissions	Less than Significant	■	□	-	No Impact
e) Greenhouse gas emissions	NA				Less than Significant

1994 ECAP EIR Conclusions

Violation of Air Quality Standards - Emission Sources from New Urban Development

The 1994 ECAP EIR concluded that pollutant emissions from sources associated with new urban development, including indirect sources (mobile), direct sources (stationary or point, such as commercial or industrial), and area sources (home, such as heaters and small gas equipment) would all contribute to exceeding thresholds established by the BAAQMD for carbon monoxide, ozone precursors and PM₁₀ (Potential Impact 5.5-1).¹⁴

With the potential development planned for the East County planning area, including the addition of 44,600 new dwelling units and 82,000 new jobs in various industries and services, the cumulative sums of all emissions for individual pollutants (CO, ozone precursors, and particulates) would exceed the thresholds set by the BAAQMD for those pollutants. Although measures such as TDM was identified as a positive step in reducing vehicle trips, implementation of TDM was found to rarely diminish vehicle emissions by more than about five to ten percent. While juxtaposition of land uses that shorten commute and shopping distances may have some success, they would not bring down vehicle use by the 90 to 99 percent required to mitigate the impact. Therefore, these sources, taken in combination, would not be significantly reduced. While policies and programs of the 1994 ECAP were found to lessen the exceedance of BAAQMD thresholds created by urban growth, no additional mitigation was found as available to reduce the impact to a less-than-significant level. Therefore, this was considered a significant and unavoidable adverse impact of the 1994 ECAP.¹⁵

¹⁴ Alameda County, *ECAP Draft EIR*, 1993 page 5.5-12

¹⁵ Alameda County, *ECAP Draft EIR*, 1993 page 5.5-15

Contribution to an Existing or Projected Air Quality Violation

The 1994 ECAP EIR concluded that urban development under the 1994 ECAP would contribute to the existing exceedance of State standards for PM₁₀, but not for other criteria pollutants (Potential Impact 5.5-2).

Livermore-Amador Valley was (and remains) an existing non-attainment area for carbon monoxide under federal standards, and a non-attainment area for ozone precursors and PM₁₀ under state standards. Although urban development in the East County was found to increase the net emissions output for all sources, the 1994 ECAP was not found to contribute to a continuation of non-attainment of the state standards for ozone, or the federal standards for carbon monoxide. This was due to continuing reductions in per mile emission rates resulting from state-mandated emission controls for autos and other vehicles, and clean fuel programs and related state programs. Slight increases in PM₁₀, were found to contribute to the continued exceedance of state standards. Policies in the 1994 ECAP, primarily those relating to reduction of trip generation and VMT and establishment of TDM, were found to bring the concentrations of criteria pollutant down. The resulting lower emission burden was expected to lead to a decrease in the number of instances during which ozone levels, and the levels of other contaminants, would exceed State and/or federal standards. Policies of the 1994 ECAP that address separation of conflicting land uses and the improvement of traffic levels would help to remove sensitive receptors from areas of possible exposure to elevated air contaminant levels. As a result, the degree of non-attainment was expected to decrease during the planning period, mostly a result of emissions improvements, but also partly a result of the policies of ECAP. The 1994 ECAP EIR concluded that emissions of CO and ozone would continue to decline, but PM₁₀ concentrations would continue to exceed state standards. No additional mitigation was found to be available to reduce the PM₁₀ impact to a less-than-significant level, and this was considered a significant and unavoidable adverse impact of the 1994 ECAP.

Consistency with the Clean Air Plan

The 1994 ECAP EIR concluded that the 1994 ECAP was not fully consistent with the 1991 Clean Air Plan [CAP] (Potential Impact 5.5-3).¹⁶

The CAP was based on forecasts of population and employment for all cities and counties within the nine-county BAAQMD. Plans accommodating growth in excess of the CAP forecasts have the potential to interfere with attainment of air quality standards. The 1994 ECAP used ABAG population and employment projections, and from this perspective, the two plans were consistent. Although the degree of consistency between the CAP and the 1994 ECAP was generally determined to be high, the 1994 ECAP was considered vague in its requirements for bicycle facilities and requirements for employer-based trip reduction measures, and additional policies and programs were proposed to mitigate this impact to a less than significant level

Nuisance or Health Risk from Pollutant Emissions

The 1994 ECAP EIR concluded that the 1994 ECAP could result in placement of sensitive land uses, such as residential or public health facilities, near commercial or industrial uses, potentially resulting in conflicts regard nuisance or health risk from pollutant emissions(Potential Impact 5.5-4).¹⁷

The 1994 ECAP EIR found that urban development occasionally results in adjacent land uses that may negatively affect each other. An industry or business locating next to a residential area may result in conflicts between the two uses on a number of issues, including air quality. Although no "smokestack" type industries are expected to locate in the Livermore-Amador-Sunol Valleys, land uses such as quarries, truck-shipping depots and various types of small business or industry could generate emissions that could be considered nuisances, or worse, toxic air contaminants (TACs). The 1994 ECAP included substantial provisions for most types of industries that

¹⁶ Alameda County, *ECAP Draft EIR*, 1993 page 5.5-20

¹⁷ Alameda County, *ECAP Draft EIR*, 1993 page 5.5-21

required that, when residential or other developments was located near agricultural zones, solid waste facilities or quarries, a general assessment of environmental impacts (including air quality) must be performed to enable mitigation to occur and informed decisions about the land use juxtaposition to be made. ECAP policies required mitigation programs for high-level commercial or industrial emission sources, placement of point sources at substantial distances from sensitive receptors, and the establishment of buffer zones to help potentially conflicting land uses maintain safe distances from each other. This combination of policies was found to minimize air quality conflicts such that no significant impact would result.

GHG Emissions

The 1994 ECAP EIR did not include an analysis of greenhouse gas emissions, as this was not a CEQA threshold at that time.

Changed Circumstances – Measure D

Important ECAP policies and programs that were added, revised or enacted by Measure D, and that are specific to air quality are included in ECAP Table 10: Summary of Land Use and Transportation Policies Facilitating Attainment of Air Quality Goals. These policies include the following:

- Policy 16: The County shall approve urban development (see definition in Table 1) only if it is located within the Urban Growth Area (this policy results in lower vehicle miles travelled, with commensurate reductions in mobile source emissions).
- Policy 190: The County shall require new non-residential developments in unincorporated areas to incorporate Transportation Demand Management (TDM) measures, and shall require new residential developments to include site plan features that reduce traffic trips such as mixed-use development and transit-oriented development projects.
- Policy 211: The County shall create and maintain a safe, convenient, and effective bicycle system that maximizes bicycle use.
- Policy 295: The County shall require major projects of commercial or industrial nature to include bicycle storage facilities for employees and customers, shower/locker areas, and other facilities identified in the East County Bicycle Plan (described in Program 84) for employees that commute using bicycles.

These policies as incorporated into the 2002 ECAP substantially reduced potential air quality impacts throughout unincorporated East County, but no CEQA document was prepared to document these changed circumstances.

Project Analysis

Plan-Level Impacts

According to the Bay Area Air Quality Management District's May 2017 CEQA Guidelines (the most recent version available), "a proposed Plan must demonstrate that its projected increase in vehicle miles travelled is less than or equal to its projected population increase to be considered to have a less than significant impact on criteria air pollutants and precursor emissions".

To address this threshold at a plan level, the following general assumptions related to the proposed amendments to Measure D pursuant to the Project are made:

Employment and Employment-Related VMT

- The increase in employment related to the potential increase in East County agricultural operations is not expected to be a substantial number. According to industry-wide statistics for the US, there are about 11,053 operating wineries in the US, employing approximately 56,698 employees, or only about 5

employees per winery.^{18, 19} This accounts for those small independent wineries that are owner-operated, as well as the larger winery operations with multiple employees.

- It is assumed that other agricultural operations (such as olive and pistachio orchards) would have similar employment characteristics
- The increase in employment at new or expanded horse-boarding facilities within East County and the Castro Valley area is similarly expected to be small-scale, prompting an increase of 2 to 10 employees per facility.

The potential increase in employment related to new or expanded agricultural operations is expected to remain a small fraction of overall employment throughout East County. Even at the upper end of potential job growth related to increased agricultural operations and facilities, the amount of new job growth may only serve to offset the decrease in agricultural employment within Alameda County over the past few decades.²⁰ It is also likely that the new agricultural jobs that may be generated by expanded agricultural operations will be absorbed by the local labor force, including the agricultural operators living at the on-site residences, existing agricultural labor already employed in the area, and employees from the immediately surrounding area.

The increased employment-related VMT attributed to the Project is unlikely to increase in East County-wide VMT characteristics, and may marginally lower average VMT per employee as compared to those residents of the East County area that commute to the East Bay and San Francisco for employment.

Agricultural Tourism VMT

The increased agricultural development potential permitted pursuant to the Project may provide a stimulus that results in the establishment of new agricultural operations that may include vineyards, wineries, orchards, bed-and-breakfast inns and/or other similar agricultural tourism facilities and activities. To the extent that such new facilities may increase recognition of the South Livermore Valley as a premium wine-producing region, these facilities may serve to capture a larger share of the existing regional demand for these types of services and activities. If the East County can capture a larger share of this demand, it may reduce or offset the VMT attributed to those customers who may otherwise travel further distance (e.g., to Napa or Sonoma County) for a similar experience.

Similarly, the increased development potential for new or expanded equestrian facilities in the East County may reduce or offset the VMT attributed to those horse owners and equestrian participants who need to travel outside of Alameda County to find boarding vacancies and riding/training facilities.

Conclusion

In comparison to expected air pollutant emissions from mobile sources associated with new urban development, the projected increase in vehicle miles travelled attributable to increased agricultural development potential permitted pursuant to the Project is minor, and is expected to generate less increase in VMT per employee than its anticipated population increase. By meeting a larger share of agricultural-based tourism and equestrian-based demand, it may result in decreased VMT by providing opportunities for these

¹⁸ Statista Business Statistics, accessed at: <https://www.statista.com/statistics/259353/number-of-wineries-in-the-us/#:~:text=In%202020%2C%20there%20were%20a,grown%20by%20over%2050%20percent>

¹⁹ IBIS World Industry Statistics, accessed at: <https://www.ibisworld.com/industry-statistics/employment/wineries-united-states/#:~:text=The%20average%20Wineries%20business%20in%20the%20US%20has%207.3%20employees>

²⁰ California Employment Development Department (EDDs) Labor Market Information Division, Statistics for industry employment and labor force. According to this data, Alameda County had 1,400 total “farm” jobs in 1990, was down to 800 total farm jobs in year 2000, and has dropped to between 500 and 700 total farm jobs between 2010 and 2020.

activities closer to those customers and participants who currently travel outside of the County for such experiences. This impact would be less than significant.

Project-Level impacts

Generally, agricultural operations and associated facilities are considered permitted uses under the County zoning ordinance (i.e., they do not require a discretionary action) and thus are not considered “projects” subject to CEQA. Accordingly, the air quality impacts attributed to such agricultural operations are considered less than significant. However, the County’s non-discretionary Site Development Review (SDR) process does provide the opportunity to condition approval of such uses as may be necessary to address air quality concerns, including construction dust, operational dust control and odor control. Furthermore, these SDR requirements include a real estate disclosure notice to be attached to the deeds of all newly created agricultural parcels as a condition of approval for non-agricultural development, informing owners of potential odor nuisances generated by adjacent agricultural uses.

For those ancillary agricultural operations that do require a conditional use permit, consideration of individual air quality concerns are subject to CEQA review at that time.

GHG Emissions

On April 20, 2022, the Air District Board of Directors adopted new CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. The Air District found that a new land use development project being built today needs to incorporate the following design elements to do its “fair share” of implementing the goal of carbon neutrality by 2045. Projects must include, at a minimum, the following project design elements:

- The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
- The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
- Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor’s Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts in CEQA.
- Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

If a project is designed and built to incorporate these design elements, then it will contribute its portion of what is necessary to achieve California’s long-term climate goals—its “fair share”—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change.

Generally, agricultural operations and associated facilities are considered permitted uses under the County zoning ordinance (i.e., they do not require a discretionary action) and thus are not considered “projects” subject to CEQA. Accordingly, the GHG impacts attributed to such agricultural operations are not considered significant. However, it is likely that new or expanded agricultural buildings constructed pursuant to the proposed amendments to Measure D (the Project) could safely meet these criteria. As demonstrated in the air quality analysis (above), the increased employment-related VMT attributed to the Project is likely to be substantially lower than countywide VMT characteristics, and may be so small as to qualify as a small project that would screen out for GHG analysis under applicable thresholds. Most buildings in the rural portions of the County are

most likely served by electrical service rather than natural gas, and all new buildings will need to demonstrate consistency with current building codes, including the energy performance standards of Title 24 of the CBC. For those ancillary agricultural operations that do require a conditional use permit, consideration of individual GHG impacts are subject to CEQA review at that time.

CEQA Conclusions Pertaining to Air Quality and Greenhouse Gas Emissions

Based on an examination of the analysis, findings and conclusions of the 1994 ECAP EIR and 2012 CVG EIR, as well as consideration of the newer circumstances specific to 2002 amendments to ECAP pursuant to Measure D, implementation of the amendments to Measure D pursuant to the Project would not substantially increase the severity of significant air quality or GHG impacts as identified in those prior EIRs. Implementation of the amendments to Measure D pursuant to the Project would not result in new significant impacts related to air quality or GHG that were not identified in those prior EIRs. There is no new information that was not known and could not have been known at the time the prior EIRs were certified that shows that the proposed amendments to agricultural building intensity on parcels designated as Large Parcel Agriculture or Resource Management would have more, or more severe, significant effects on air quality or GHG. With required Site Development Review by the County, air quality and GHG impacts of individual agricultural operations would be less than significant.

Biological Resources

Would the Project:	1994 ECAP EIR Findings	Relationship to 1994 ECAP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Policies and Regs	Resulting LOS
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species	SU	■	□	SDR as applicable	Not a Significant Impact
b) Have a substantial adverse effect on any riparian, aquatic or wetland habitat or other sensitive natural community	SU	■	□	SDR as applicable	Not a Significant Impact
c) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites	Less than Significant	■	□	SDR as applicable	Not a Significant Impact
d) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan	Less than Significant	■	□	SDR as applicable	Not a Significant Impact

1994 ECAP EIR Conclusions

Effects of Urban Development

The 1994 ECAP EIR concluded that new urban development within the UGB could result in the loss of grasslands, cultivated lands and woodlands (Potential Impact 5.7-1).²¹ Grasslands, cultivated lands and woodlands are common throughout California and the East County. The proportion of these habitats lost within the UGB relative to the extent of these habitats throughout the East County is small. Additionally, ECAP-proposed policies and programs would protect woodlands within the UGB, and ECAO designates approximately 7,400 acres of grasslands and cultivated lands in East Dublin and North Livermore for protection of biological resources. Therefore, with implementation of the proposed plan policies and programs, the 1994 ECAP concluded that general loss of grasslands, cultivated lands and woodlands would be less than significant.

The 1994 ECAP EIR concluded that new urban development within the UGB could result in the loss of riparian and seasonal wetlands (Potential Impact 5.7-2).²² While ECAP policies would lessen the potential impact, a net

²¹ Alameda County, *ECAP Draft EIR*, 1993 page 5.7-17

²² Alameda County, *ECAP Draft EIR*, 1993 page 5.7-20

loss of riparian or seasonal wetland habitat was considered a significant and unavoidable adverse impact of the 1994 ECAP.

The 1994 ECAP EIR concluded that new urban development within the UGB could result in the loss of individual special status species and portions of Significant Natural Communities (Potential Impact 5.7-3).²³ While ECAP policies and programs would lessen the overall impact on special status species in East County by establishing an UGB that avoids most of the currently known locations of these taxa, loss of individual special status species due to the expansion of growth may still occur. This loss was considered a significant unavoidable adverse Impact of ECAP.

Effects on Large Parcel Agriculture Lands

The 1994 ECAP EIR concluded that allowable uses in lands designated Large Parcel Agriculture could affect biological resources in those areas (Potential Impact 5.7-5).²⁴

The Large Parcel Agriculture land use designation was applied to a majority of those lands outside of the UGB. While allowable uses for these lands are likely to maintain large contiguous open space areas in East County that would be beneficial to indigenous biological resources, some uses (e.g., windfarms, quarry activities and landfills) may negatively affect those resources. Some of the uses which could result in the direct loss of plant communities, wildlife habitats and special status species include construction of new solid waste disposal facilities, quarry operations, expansion of windfarms and other activities that would disturb the land. At a general plan level of analysis, ECAP policies and programs address the potential impact on plant communities and wildlife on lands outside the UGB. However, site-specific impacts on special status species could result from particular activities allowed outside the UGB, and this was therefore considered a significant and unavoidable impact of ECAP. While no feasible mitigation was available to reduce this impact to a less than significant level, additional policies were recommended to encourage mitigation efforts through project-specific environmental review.

Changed Circumstances – Measure D

Important ECAP policies and programs that were added, revised or enacted by Measure D, and that are specific to biological resources are included in the amended 2002 ECAP. These policies include the following:

- Program 19: The County shall work with East County cities to develop a comprehensive open space preservation program, establish priorities, and identify feasible mechanisms for acquisition or dedication of land in open space areas within two years of the effective date of the Initiative. In addition to impact fees on new urban development, the program shall analyze other land acquisition techniques including dedication of easements in return for development rights and/or bonuses, transfer of development credits, and bonds or other fees/funds for land acquisition.
- Policy 56: The County shall require all new developments to dedicate or acquire land for open space and/or pay equivalent in-lieu fees which shall be committed to open space land acquisition and management and shall encourage the cities to impose similar open space requirements on development in incorporated areas.
- Policy 123: Where site-specific impacts on biological resources resulting from a proposed land use outside the Urban Growth Boundary are identified, the County shall encourage that mitigation is complementary to the goals and objectives of the ECAP. To that end, the County shall recommend that mitigation efforts occur in areas designated as "Resource Management" or on lands adjacent to or

²³ Alameda County, *ECAP Draft EIR*, 1993 page 5.7-22

²⁴ Alameda County, *ECAP Draft EIR*, 1993 page 5.7-27

otherwise contiguous with these lands in order to establish a continuous open space system in East County and to provide for long term protection of biological resources.

- Program 55: The County shall develop management guidelines for lands designated "Resource Management" for the purpose of maintaining and/or enhancing existing plant communities and wildlife habitats. The County shall identify organizations that may be suitable to manage the open space.

Amendments from Measure D included in the 2002 ECAP also included a new Table 5: Standards for Subdivision and Site Development Review for Agricultural Parcels, which includes the following standard:

- The subdivision shall be configured to avoid the significant loss of potential wildlife habitat or significant natural vegetation. Neither the subdivision of land nor on-going or proposed agricultural uses on such subdivided land shall interfere with the ability of any identified species of concern to use the site as habitat or as a corridor linking identified habitat areas.

These Measure D policies, programs and standards incorporated into the 2002 ECAP substantially reduced potential impacts biological resources throughout unincorporated East County, but no CEQA document was prepared to document these changed circumstances.

Project Analysis

On a programmatic level, no site-specific impacts to biological resources can be identified, but there is a potential that new and expanded agricultural operations and buildings may have adverse effects on special status species and other important biological resources. Development of new and expanded agricultural buildings in the agricultural areas of the East County and the Castro Valley Canyonlands may adversely affect a wide range of plant and animal habitat.

Generally, agricultural operations and associated facilities are considered permitted uses under the County zoning ordinance (i.e., they do not require a discretionary action) and thus are not considered "projects" subject to CEQA. Accordingly, impacts to biological resources attributed to such agricultural operations are not considered significant. However, the County's administrative Site Development Review (SDR) process does provide the opportunity to condition approval of such uses as may be necessary to address biological resource concerns. Among the Site Development Review standards and regulations, those that will continue to protect and preserve biological resources include, but are not limited to the following:

- the requirement for one contiguous building envelope of no more than two-acres, to be designated on each parcel proposed for development, with new development generally limited to that building envelope
- Neither the subdivision of land nor on-going or proposed agricultural uses on such subdivided land shall interfere with the ability of any identified species of concern to use the site as habitat or as a corridor linking identified habitat areas.

For those ancillary agricultural operations that do require a conditional use permit, consideration of individual impacts on biological resources will be subject to CEQA review at that time.

CEQA Conclusions Pertaining to Biological Resources

Based on an examination of the analysis, findings and conclusions of the 1994 ECAP EIR and 2012 CVGP EIR, as well as consideration of the newer circumstances specific to 2002 amendments to ECAP pursuant to Measure D, implementation of the amendments to Measure D pursuant to the Project would not substantially increase the severity of significant impacts to biological resources as identified in those prior EIRs. Implementation of the amendments to Measure D pursuant to the Project would not result in new significant impacts related to

biological resources that were not identified in those prior EIRs. There is no new information that was not known and could not have been known at the time the prior EIRs were certified that shows that the proposed amendments to agricultural building intensity on parcels designated as Large Parcel Agriculture or Resource Management would have more, or more severe, significant effects on biological resources. With required Site Development Review by the County, impacts of individual agricultural operations on biological resources would not be significant.

Cultural and Tribal Cultural Resources

Would the Project:	1994 ECAP EIR Findings	Relationship to 1994 ECAP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Policies and Regs	Resulting LOS
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines	Less than Significant with Mitigation	■	<input type="checkbox"/>	ECAP Program 59 SDR as applicable	Not a Significant Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines	Less than Significant with Mitigation	■	<input type="checkbox"/>	ECAP Program 59 SDR as applicable	Not a Significant Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	Less than Significant with Mitigation	■	<input type="checkbox"/>	ECAP Program 59 SDR as applicable	Not a Significant Impact
d) Disturb any human remains, including those interred outside of formal cemeteries	Less than Significant with Mitigation	■	<input type="checkbox"/>	ECAP Program 59 SDR as applicable	Not a Significant Impact

1994 ECAP EIR Conclusions

The 1994 ECAP EIR concluded that development under ECAP could adversely affect important known or undiscovered archaeological and historic sites (Potential Impact 5.9-1).²⁵

Most of the East County and Castro Valley Canyonlands areas of the County are located within moderate, high, or extreme archaeologically sensitive areas. Implementation of ECAP was found to result in land uses of varying types and intensities in areas designated with moderate to extreme archaeological sensitivity. Construction of buildings or infrastructure associated with development, as well as intensive agricultural uses allowed by ECAP, could disturb known or undiscovered archaeological and historic sites. The following modifications to ECAP policies was found to mitigate this impact to a less than significant level by ensuring that an adequate procedure is available to identify potential archaeological sites prior to site development:

- Program 59: The County shall require a background and records check of a project area if a project is located within an extreme or high archaeological sensitivity zone as determined by the County. If there is evidence of an archaeological site within a proposed project area, an archaeological survey by

²⁵ Alameda County, *ECAP Draft EIR*, 1993 page 5.9-5

qualified professionals shall be required as a part of the environmental assessment process. If any archaeological sites are found during construction, all work in the immediate vicinity shall be suspended pending site investigation by a qualified archaeology professional. Proposed structures or roads on property that contains archaeological sites should be sited in consultation with a professional archaeologist to avoid damaging the archaeological sites. The County shall follow the California Environmental Quality Act (CEQA) Guidelines for cultural resource preservation procedures in reviewing development projects located near identified cultural resources. Appropriate measures for preserving an historic structure include renovation or moving it to another location. Proposals to remove historic structures shall be reviewed by qualified professionals.

Changed Circumstances – Measure D

There were no important ECAP policies or programs specific to cultural resources that were added, revised or enacted by Measure D.

Project Analysis

On a programmatic level, no site-specific impacts to individual cultural resources or tribal cultural resources can be identified, but there is a potential that new and expanded agricultural operations and buildings may have adverse effects on important archaeological, cultural and/or tribal cultural resources. Development of new and expanded agricultural buildings in the agricultural areas of the East County and the Castro Valley Canyonlands may adversely affect such resources. Agricultural barns and non-residential buildings that represent key aspects of Alameda County's early history in the late 19th and early 20th Centuries may be demolished or altered to accommodate new development.

Generally, agricultural operations and associated facilities are considered permitted uses under the County zoning ordinance (i.e., they do not require a discretionary action) and thus are not considered "projects" subject to CEQA. Accordingly, impacts to cultural resources attributed to such agricultural operations are not considered significant. However, all substantial demolitions and substantial new agricultural structures would require permits from the County Building Inspector and Planning Department approval, including Site Development Review. These permits would require a review of potential adverse effect on cultural resources.

For those ancillary agricultural operations that do require a conditional use permit (CUP), consideration of individual impacts on cultural resources will be subject to CEQA review at that time.

CEQA Conclusions Pertaining to Cultural and tribal Cultural Resources

This analysis has included an examination of the analysis, findings and conclusions of the 1994 ECAP EIR and 201 CVGP EIR, as well as consideration of the newer circumstances specific to Measure D. Based on this examination, implementation of the amendments to Measure D pursuant to the Project would not substantially increase the severity of significant impacts to cultural or tribal cultural resources as identified in those prior EIRs. Implementation of the amendments to Measure D pursuant to the Project would not result in new significant impacts related to cultural or tribal resources that were not identified in those prior EIRs. There is no new information that was not known and could not have been known at the time the prior EIRs were certified that shows that the proposed amendments to agricultural building intensity on parcels designated as Large Parcel Agriculture or Resource Management would have more, or more severe, significant effects on cultural or tribal resources. With required Site Development Review by the County, as well as CEQA review for those developments that require a CUP, impacts of individual agricultural operations on cultural and tribal resources would not be significant.

Geology

Would the Project:	1994 ECAP EIR Findings	Relationship to 1994 ECAP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Policies and Regs	Resulting LOS
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure and/or landslides	Less than Significant with policies and regulations	■	□	Cal. Building Code and County Grading regulations SDR	Not a Significant Impact
b) Result in substantial soil erosion or the loss of topsoil	Less than Significant with policies and regulations	■	□	Cal. Building Code and County Grading regulations SDR	Not a Significant Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse	Less than Significant with policies and regulations	■	□	Cal. Building Code and County Grading regulations SDR	Not a Significant Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property	Less than Significant with policies and regulations	■	□	Cal. Building Code and County Grading regulations SDR	Not a Significant Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water	See Hydrology section				

1994 ECAP EIR Conclusions

Seismic Hazards

The 1994 ECAP EIR concluded that residential, commercial and industrial development could increase the number of people and structures exposed to seismic hazards, increasing the risk to life and property from ground shaking and associated secondary effects such as landslides, liquefaction and differential settlement

(Potential Impact 5.11-1). The 1994 ECAP EIR also concluded that new development could occur within existing Alquist-Priolo Special Study Zones of active faults (Potential Impact 5.11-2).²⁶

The East County is traversed by a number of active or potentially active faults, including some or all of the Special Studies Zones for the Calaveras, Greenville and Verona Faults. New development in these areas could have the effect of subjecting structures to significant seismic risks, most notably surface fault rupture. However, provisions in the County Building Code and Grading Ordinance were found to reduce the risk to life and property from groundshaking, as would a number of ECAP policies and programs. ECAP Policy requires site-specific analysis for new development in areas with potential for seismic hazards, and ensures that new development will not be approved unless the potential risk can be reduced. ECAP policy also prohibits the construction of any structure intended for human occupancy within 50 feet on either side of a certified earthquake fault as defined by the Special Study Zones. With implementation of ECAP policies and programs, as well as existing building regulations the County Building Code and Grading Ordinance, the 1994 ECAP EIR concluded that no significant impact would result.

Erosion and Slope Stability

The 1994 ECAP EIR concluded that new development could occur in hilly areas, resulting in erosion and slope stability problems stemming from grading, vegetation removal, irrigation (Potential Impact 5.11-3).²⁷ Limitations on grading in hilly areas are formally contained in ECAP policy and restrictions on grading activity are found in the County's Grading Ordinance. These policies and ordinances reduce hazards associated with slope instability by requiring the County to minimize development in any area where slopes exceed 25 percent, and ensuring that development in areas with potential for geologic hazards will be approved only if the risk level is reduced to acceptable levels based on site-specific analysis. These policies and regulations were found to reduce the increased risk of slope instability to a less than significant level.

Expansive Soils

The 1994 ECAP EIR concluded that development in areas of high shrink-swell potential could result in structural problems (Potential Impact 5.11-4).²⁸ High shrink-swell potential was found to pose a potential constraint to development in certain upland portions of the East County, as well as sections of the Livermore-Amador Valley. Modern engineering practices and designs, and soil and geotechnical studies for new development as required in Alameda County by the Planning Department and Public Works Agency were found to minimize the potential for damage to structures in high shrink-swell areas. With implementation of ECAP policies and programs, no significant impact would result.

Subsidence

The 1994 ECAP EIR concluded withdrawal of groundwater for urban and agricultural use could result in land subsidence (Potential Impact 5.11-5).²⁹ The potential for land subsidence in the East County is essentially confined to valley areas, where new development could increase pressures to withdraw groundwater for residential, commercial and agricultural use. Absent proper management of groundwater resources, subsidence could result. ECAP policies and programs encourage Zone 7, East County cities and agricultural interests to minimize groundwater withdrawal, thereby minimizing the potential for land subsidence. ECAP policies require that the County conduct site-specific analysis for new development proposed in areas with potential for subsidence resulting from groundwater withdrawal, and that any project where potential risks cannot be

²⁶ Alameda County, *ECAP Draft EIR*, 1993 page 5.11-12 and 5.11-13

²⁷ Alameda County, *ECAP Draft EIR*, 1993 page 5.11-13

²⁸ Alameda County, *ECAP Draft EIR*, 1993 page 5.11-15

²⁹ Alameda County, *ECAP Draft EIR*, 1993 page 5.11-16

reduced to acceptable levels be denied. The 1994 ECAP concluded that with implementation of ECAP policies and programs, no significant impact would result.

Changed Circumstances – Measure D

There were no important ECAP policies or programs specific to geology or geologic hazards that were added, revised or enacted by Measure D.

Project Analysis

On a programmatic level, no site-specific geologic hazards can be identified, but there is a potential that new and expanded agricultural buildings may be located in areas susceptible to geologic hazards. Excessive grazing or incorrect pasturing of horses in paddocks and turnouts may also result in potentially significant adverse loss of topsoil or erosion.

Development of new and expanded agricultural buildings in the agricultural areas of the East County and the Castro Valley Canyonlands will be subject to the regulatory requirements of the Alquist-Priolo Special Studies Zones, the most current version of the California Building Code and all County grading ordinance requirements. These existing regulations will ensure that new buildings are constructed to meet applicable seismic hazard standards, and to minimize the effects of expansive soils. The County's administrative Site Development Review (SDR) process for Agricultural parcels provides the opportunity to condition approval of new agricultural buildings and equestrian facilities as may be necessary to address geologic concerns, including erosion. Among the Site Development Review standards and regulations, those that will continue to address geologic issues include, but are not limited to the following:

- One contiguous building envelope of no more than two-acre shall be designated on each parcel. All residential development and residential accessory uses shall be located within the designated building envelope.
- Grading, drainage and other improvements necessary for the installation and maintenance of the access route shall be shown on the tentative map and analyzed during the review process.
- The building envelope shall not be located on a slope of over 25 percent, or on top of a ridgeline.

Additionally, the Alameda County Manure Management Plan Guidelines for Commercial Equestrian Facilities requires that all such applications describe how the following requirements will be met:

- Controlling drainage and implementing other measures as necessary to minimize soil erosion,
- maintaining a minimum height for grass on pastures to protect soil from erosion, and
- practicing rotational grazing by dividing up pastures and moving horses from one to another to allow pastures to rest and recover

CEQA Conclusions Pertaining to Geology and Geologic Hazards

This analysis includes an examination of the analysis, findings and conclusions of the 1994 ECAP EIR and 2012 CVGP EIR, and consideration of the newer circumstances specific to Measure D. Based on this examination, implementation of the amendments to Measure D pursuant to the Project would not substantially increase the severity of significant impacts related to geology or geologic hazards as identified in those prior EIRs. Implementation of the amendments to Measure D pursuant to the Project would not result in new significant impacts related to geology or geologic hazards that were not identified in those prior EIRs. There is no new information that was not known and could not have been known at the time the prior EIRs were certified that shows that the proposed amendments to agricultural building intensity on parcels designated as Large Parcel

Agriculture or Resource Management would have more, or more severe, significant effects related to geology or geologic hazards. With required compliance with all applicable building and grading regulations, Site Development Review by the County, as well as CEQA review for those developments that require a CUP, impacts of individual agricultural operations on cultural resources would not be significant.

Hydrology and Water Quality

Would the Project:	1994 ECAP EIR Findings	Relationship to 1994 ECAP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Policies and Regs	Resulting LOS
a) Violate any water quality standards, conflict with water quality objectives, fail to meet waste discharge requirements, significantly degrade any surface water body or groundwater, or adversely affect the beneficial uses of such waters, including public uses and aquatic, wetland and riparian habitat	Less than Significant with policies and regulations	■	□	SWB General Winery Order NPDES C.3 and C.6 regulations County Grading regulations SDR	Less than Significant with Regs
b) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems due to changes in runoff flow rates or volumes	Less than Significant with policies and regulations	■	□	County Grading regulations	Less than Significant with Regs
c) Result in a significant increase in pollutant discharges to receiving waters during or following construction	Less than Significant with policies and regulations	■	□	NPDES C.3 and C.6 regulations SDR	Less than Significant with Regs
d) Place housing within a 100-year flood hazard area, place within a 100-year flood hazard area structures which would impede or redirect flood flows, expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami, or mudflow	No Impact	■	□	-	No Impact

1994 ECAP EIR Conclusions

Increased Runoff

The 1994 ECAP EIR concluded that new development could cause an increase in surface runoff, resulting in increased erosion and siltation (Potential Impact 5.12-1).³⁰

³⁰ Alameda County, *ECAP Draft EIR*, 1993 page 5.12-10

Clearing and grading activities associated with new construction leaves the soil exposed and more susceptible to erosion from rainfall impact, sheet flows, and wind. Once construction is complete, the amount of impervious surface created could also accelerate erosion of drainage channels receiving site runoff due to increases in runoff flows, velocities and volumes. If the natural drainages cannot accommodate the increased flows, there is also a potential for flooding of areas downstream. ECAP policies, programs and regulations control the discharge of flows from new development into existing drainages or flood control facilities such that peak flows from new development will not exceed the rate of runoff from the site in its undeveloped state. The County Grading Ordinance also requires development of an erosion control plan for construction activities prior to issuance of a grading permit. Implementation of ECAP policies and County Grading Ordinance regulations were found to reduce these impacts to a less than significant level. .

Groundwater Recharge

The 1994 ECAP EIR concluded that new development would decrease the amount of area available for infiltration into the groundwater basin (Potential Impact 5.12-2).³¹

Recharge of the groundwater basin is accomplished by infiltration and percolation of precipitation, stream flow, and applied water. The amount of area available for percolation and infiltration decreases as agricultural and natural lands are converted for new urban development. An increase in the extent of impervious surface over groundwater sub-basins could reduce the amount of recharge occurring from infiltration and percolation of precipitation. Removal of natural drainages may also affect the amount of recharge. Management of groundwater resources in East County is the primary responsibility of Zone 7 of the ACFCWCD. Zone 7 closely monitors groundwater levels in the Central Groundwater Basin and the fringe sub-basins and recharges the basin by releasing water into the arroyos to keep within the limits of long-term safe yield. Although the area available for infiltration and percolation will be reduced with the new development, the 1994 ECAP EIR found that groundwater recharge will still occur naturally through stream courses, ponds or natural areas which are left open, and through artificial recharge of the basin to maintain groundwater levels in East County. Therefore, a reduction in area available for infiltration of precipitation was not found to result in a significant impact on groundwater levels in the basin, and no significant impact was identified.

Non-Point Source Pollution

The 1994 ECAP EIR concluded that new development could result in additional release of non-point source pollutants into the storm drain system or waterways (Potential Impact 5.12-3).³²

The 1994 ECAP EIR found that the Storm Water Management Plan for the Alameda County Urban Runoff Clean Water Program contained strategies for controlling discharge of pollutants from urban runoff flowing into municipal storm drain systems. This program was developed in response to the 1987 amendments to the Clean Water Act, which established a framework for regulating municipal, industrial, and construction storm water discharges under the National Pollutant Discharge Elimination System (NPDES) program. These amendments were made because it was recognized that nonpoint sources, including pollutants originating from agriculture, mining and land disposal activities, as well as storm water from diffuse urban surfaces such as construction sites, impervious surfaces, and non-sewered residential areas, were contributing significantly to the impairment of the nation's surface and groundwater. New development was found to increase the potential for pollutants generated from these uses to enter the storm drain system and waterways. Under the NPDES program, municipalities as well as individual developers and commercial/industrial facilities must develop a Storm Water Management Program or Storm Water Pollution Prevention Plan when obtaining a storm water permit. Additionally, specific design features which would filter out pollutants in storm water before it is released into

³¹ Alameda County, *ECAP Draft EIR*, 1993 page 5.12-11

³² Alameda County, *ECAP Draft EIR*, 1993 page 5.12-12

water ways are to be incorporated into all new projects. Alameda County had obtained a Municipal NPDES storm water permit and had completed a Storm Water Management Plan for the Alameda County Urban Runoff Clean Water Program in 1991). This Plan provided guidelines for best management practices (BMP's) to be employed by facilities that release runoff into municipal waterways. The California Storm Water Quality Task Force had also published a series of handbooks that provided guidelines and recommendations for selecting BMP's and designing onsite features to reduce pollutants in storm water discharge.

ECAP plans, policies and programs also require the County to implement the Alameda County Urban Runoff Clean Water Program, and to minimize herbicide use by public agencies by applying integrated pest management principals for vegetation control. Each of these programs provides guidelines and standards for controlling the release of nonpoint source pollutants into storm water. With implementation of ECAP policies and programs, in combination with federal and state programs established to address this issue, the potential for nonpoint source pollutants to enter the storm drains and waterways was found to result in a less than significant impact on storm water quality

Groundwater Pollution

The 1994 ECAP EIR concluded that future land use could result in contamination of surface waters and the introduction of contaminants into the groundwater basin (Potential Impact 5.12-4).³³

Land uses other than urban development which the ECAP allows outside the UGB could affect the quality of surface waters and groundwater in the region. In particular, the use of reclaimed water for irrigation could add salts to the groundwater, leachate from solid waste facilities could seep into the water table, and septic tanks could leak sewage into the basin, especially in areas of extreme percolation. ECAP policies and programs addressed the protection of groundwater resources by minimizing placement of potential sources of pollution in areas of prime percolation capabilities, and by implementing programs designed specifically for the protection of surface water and groundwater resources. With implementation of ECAP policies and programs, in combination with new federal regulations, the 1994 ECAP found no significant impacts would result.

Reservoir Water Quality

The 1994 ECAP EIR concluded that land use activities within the watershed boundaries for the Calaveras and San Antonio Reservoirs could have a negative effect on the water quality in these reservoirs (Potential Impact 5.12-5).³⁴

The ECAP EIR indicated that the San Francisco Water Department (SFWD) owns approximately 36 percent of the southern Alameda Creek Watershed which drains into the Calaveras and San Antonio Reservoirs. The actual hydrologic boundary of this watershed is far greater than SFWD's ownership, and therefore SFWD has less control over the quality of the water in streams and tributaries which feed these reservoirs. Land use activities such as urban development, recreation or grazing which occur upstream on lands not under the control of SFWD could affect the water quality in the reservoirs. On watershed lands in the United States, residential development, agriculture, recreation and grazing are land uses which most commonly co-exist with water storage and production. These uses may cause considerable water quality deterioration resulting from increased erosion and increased turbidity, increases in runoff laden with contaminants, increases in the presence of human bacteria, and an increased risk of fire. Contaminated waters can be treated and processed for safe drinking, but watershed managers believe that controlling contaminants at their source of origin is more cost effective. Currently water in the Calaveras and San Antonio Reservoirs is of high quality and the SFWD was preparing a Watershed Management Plan in order to maintain and improve water quality. ECAP policies and

³³ Alameda County, *ECAP Draft EIR*, 1993 page 5.12-13

³⁴ Alameda County, *ECAP Draft EIR*, 1993 page 5.12-14

programs acknowledged that effective watershed management extends to the hydrologic boundaries of a watershed, and designated an area outside of the SFWD lands that extends to the watershed boundary as Resource Management. The Resource Management designation requires development of management guidelines for these lands for the purposes of protecting watershed lands from potential degradation resulting from incompatible uses. With implementation of ECAP policies and programs established to address uses on lands within the watershed of the Calaveras and San Antonio Reservoirs, the 1994 ECAP found no significant impact would result.

Changed Circumstances – Measure D

There were no important ECAP policies or programs specific to hydrology or water quality that were added, revised or enacted by Measure D.

Changed Circumstances – New Regulatory Provisions

2015 Municipal Regional Stormwater NPDES Permit

On November 19, 2015, the California Water Board re-issued countywide municipal stormwater permits as one Municipal Regional Stormwater NPDES Permit (MRP) to regulate stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo (Municipal Regional Stormwater Permit NPDES No. CAS612008, Order No. R2-2015-0049). The cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City, Alameda County, the Alameda County Flood Control and Water Conservation District, and Zone 7 of the Alameda County Flood Control and Water Conservation District, joined together to form the Alameda Countywide Clean Water Program (Alameda Permittees). Pursuant to this Order, the Alameda Permittees shall effectively prohibit the discharge of non-stormwater into storm drain systems and watercourses. Relative to new development of agricultural buildings, two provisions of the MRP are especially relevant, as described below

C.6 Construction Site Controls

The goal of Provision C.6 of the MRP is for the Permittees to require implementation of a construction site inspection and control program at all construction sites, with follow-up and enforcement to prevent construction site discharges of pollutants into the storm drains. Inspections shall confirm implementation of appropriate and effective erosion and other construction pollutant controls by construction site operators/developers. Individual project applicants that disturbing one acres or more of land for new construction or redevelopment are required to comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB), and to submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP) and other required permit registration documents to SWRCB.

C.3 Post-Construction Stormwater Management Plans

The goal of Provision C.3 of the MRP is for the Permittees to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects. This goal is to be accomplished primarily through the implementation of low impact development (LID) techniques. New development projects that create 10,000 square feet or more of impervious surface are required to treat 100% of the amount of runoff identified in Provision C.3.d for the Regulated Project's drainage area with LID treatment measures on-site, or with LID treatment measures at a joint stormwater treatment facility. LID treatment measures are harvesting and use, infiltration, evapotranspiration, and bio-treatment. Individual project applicants that create or replace 10,000

square feet or more of new or existing impervious surface area must comply with the requirements of Provision C.3.

General Order for Winery Process Water

On January 20, 2021, the State Water Resources Control Board adopted General Waste Discharge Requirements (General WDRs) for winery process water (Winery Order) for wineries and other similar facilities with activities related to producing wine or grape juice that generate winery waste and discharge it to land for reuse or disposal. Process water collection and storage involves use of floor drains and trenches, piping, pumps, tanks, and other ancillary equipment. Wineries typically use ponds, land application, and subsurface disposal systems to treat, reuse, and/or dispose of process water. The primary concerns for winery process water that effects groundwater quality are nitrogen, salinity, and biochemical oxygen demand.

The Winery Order is applicable statewide and is intended to streamline and improve permitting consistency. Winemaking also generates process water that has the potential to degrade groundwater quality depending on winery-specific activities, size, and treatment processes. The General Waste Discharge Requirements for Winery Process Water (order) applies statewide and includes requirements to ensure winery operations effectively mitigate adverse impacts to water quality. Adopted items and components in the General Winery Order include:

- Tiered enrollment and requirements based on gallons of winery process water produced annually
- Tier-based land application and subsurface disposal area limits and reporting
- Subsurface disposal limit alternatives through discharger-requested groundwater monitoring, requiring regional water board approval
- General specifications and prohibitions for process-water treatment systems, ponds, land application, and subsurface disposal areas
- Groundwater monitoring for the highest production tier, with alternatives for land application disposal areas
- Annual reporting requirements and fees, as applicable
- Use of sustainability programs and/ or salt and nutrient management plans to assist in order compliance, and a
- multi-year enrollment and compliance implementation schedule

Facilities that discharge winery waste to land for the purpose of disposal or reuse are eligible for coverage under this General Winery Order. Reuse activities include the use of treated process water for agricultural or landscape irrigation and the use of residual solids from winery processing as a soil amendment. Any person discharging waste or proposing to discharge waste other than to a community sewer system and that could affect the quality of the waters of the state, must file a report of waste discharge (ROWD) to obtain coverage under WDRs. Facilities that direct all process water to a community sewer system are not required to apply for General Order coverage.³⁵ Facilities that containerize all process water and transport it to a community sewer system for offsite disposal (i.e., tank and haul) are not required to apply for General Order coverage.

Excessive nitrogen application to land from process water and other nitrogen-containing materials can result in nitrate leaching and groundwater degradation. The General Order requires dischargers to apply nitrogen at rates that do not exceed the crop agronomic rate as defined in this General Order. Excessive BOD application to land

³⁵ In a separate process not a part of this Project, the City of Livermore has recently issued a Draft EIR for the South Livermore Sewer Expansion Project (May 2022), intended to allow the extension of sanitary sewer lines to serve residences and wineries located within and near the City of Livermore.

can result in nuisance odors and anaerobic conditions not favorable to biological treatment conditions, which can mobilize metals such as iron and manganese. Similarly, excessive BOD loading to ponds can lead to anaerobic conditions, adverse effects on process water treatment, and cause nuisance odors. The fixed dissolved solids (FDS) portion does not degrade biologically and is the primary salinity constituent of concern. Excessive salinity loading from process water, supplemental water, fertilizer, and soil amendments can affect the beneficial uses of groundwater and soil hydraulic conductivity. The pH of water determines the solubility and biological availability of chemical constituents such as nutrients and heavy metals. Low or high pH of process water discharged to land can deteriorate soil health and mobilize metals, potentially degrading the underlying groundwater quality.

Specific provisions of the General Winery Order include the following:

- The General Order requires setbacks to prevent discharging too closely to surface waters, water supply wells (e.g., drinking water wells, agricultural irrigation wells), and the facility property line. Such setbacks reduce the risk of direct and indirect discharges.
- Process water ponds provide process water storage, mixing, equalization, treatment, disposal, and operational flexibility for wineries. Most ponds settle suspended solids, ponds with aeration reduce BOD, and ponds with alternating aerobic and anoxic zones remove nitrogen. Constructed wetlands (engineered vegetated ponds) reduce BOD and nitrates and are effective as a polishing step prior to land application. The General Order requires ponds be sized to meet a 100-year, 24-hour peak storm design standard unless a smaller pond is allowed with regional water board approval. A smaller pond is required to meet a 25-year, 24-hour peak-storm design standard.
- Land application is a strategy to reuse process water to grow crops (or plants, including landscape irrigation). Because winery process water contains organic matter and nitrogen, land applying it improves soil productivity and provides supplemental plant nutrients while simultaneously treating and disposing of the process water. The FDS in process water includes plant macronutrients (e.g., ammonium, nitrate, phosphorous, potassium) that are removed by land application systems that incorporate growing and removing crops. Land application areas can be effectively managed to prevent excessive nitrogen and BOD loading by applying process water nutrients at agronomic rates and within the BOD loading limit, respectively.
- Subsurface disposal systems consist of a treatment unit and a subsurface disposal area (e.g., drainfield, infiltration gallery, dispersal area). Treated effluent is discharged via gravity flow or a low-pressure distribution system to a shallow disposal area. Plants grown at the subsurface disposal area can provide some additional treatment. Though more commonly used by smaller wineries, larger wineries with limited land application area or pond capacity also use subsurface disposal systems. Wineries sometimes use subsurface disposal systems in conjunction with land application. The General Winery Order includes effluent limits for total nitrogen, BOD, and total suspended solids (TSS) to assess subsurface disposal systems treatment effectiveness and minimize the potential for degrading groundwater.
- Minimum salt control BPTC measures, generally consisting of good housekeeping, source control and reduced salt usage, and solids screening and management, are required on a compliance schedule in this General Order.
- Domestic wastewater is not covered by this General Order and will need to be permitted by a local agency, a regional water board, or other appropriate entity. Wineries produce domestic wastewater generated by employees and visitors. It is desirable to keep the process water and domestic wastewater separated due to the additional requirements imposed to address domestic wastewater associated constituents, such as pathogens. Some wineries have existing wastewater systems that treat commingled process water and domestic wastewater. Wineries with these existing systems must be

modified so that process water is managed and treated separately and is no longer commingled with domestic wastewater in order to maintain coverage under this General Order.

Project Analysis

On a programmatic level, no site-specific hydrology issues can be identified, but there is a potential that new and expanded agricultural buildings (including both wineries and covered equestrian arenas) may be located in areas where hydrology effects may occur.

Development of new agricultural buildings pursuant to the Project could result in erosion and sedimentation during construction of those buildings. Those construction projects that disturb one acres or more of land for new construction or redevelopment will be required to comply with the requirements of the Construction General Permit issued by the SWRCB, and to submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP) and other required permit registration documents to SWRCB. Development of new agricultural buildings that create or replace 10,000 square feet or more of new or existing impervious surface area must comply with the requirements of Provision C.3 of the MRP to address stormwater runoff pollutant discharges and prevent increases in runoff flows. The Alameda County Public Works Department will require a completed stormwater Checklist for C.3 and C.6 Compliance, which includes a summary of the requirements for obtaining County C.6 and C.3 Stormwater Permits, an indication of whether the project will be subject to either or both of these Permits, and a summary listing of standard design guidelines for permanent C.3 measures. The Checklist also serves as a record of conditional approval by PWA of the proposed temporary and permanent Best Management Practices (BMPs) for the control of stormwater runoff.

New wineries permitted or encouraged by the Project could generate winery process water that effects groundwater quality (i.e., nitrogen, salinity, and biochemical oxygen demand). All new wineries will be required to comply with the 2021 General Waste Discharge Requirements (General WDRs) for winery process water. Regulations and requirements for discharge setbacks, process water ponds, land application rates, subsurface disposal systems, salt control and separation of domestic wastewater will apply.

New equestrian facilities permitted or encouraged by the Project could also adversely affect water quality from the runoff of animal waste. Pursuant to the County's SDR process, these new equestrian facilities will be required to adhere to Manure Management Plan Guidelines for Commercial Equestrian Facilities, specifically addressing the following:

- procedures and frequency for collection, transport, storage, compost, and disposition of manure
- measures to prevent rainfall and runoff from contacting manure
- proposed methods to eliminate rainwater run-on and run-off (such as cover, roofing or berms) to minimize percolation of urine, ammonia, soaps and nitrate into the soil and groundwater
- setbacks to keep animal waste and bare soil areas at least 50 to 100 feet from streams and 25 feet from drainage ways. If these setbacks cannot be maintained, implementation of other protective measures will be-necessary as described by the inspector from the Environmental Health Service, Clean Water Program, Building/Grading or Planning Department

CEQA Conclusions Pertaining to Hydrology and Water Quality

This analysis includes an examination of the analysis, findings and conclusions of the 1994 ECAP EIR and 2012 CVGP EIR, and consideration of the newer circumstances specific to Measure D and other current regulations. Based on this examination, implementation of the amendments to Measure D pursuant to the Project would not substantially increase the severity of significant impacts related to hydrology or water quality as identified in those prior EIRs. Implementation of the amendments to Measure D pursuant to the Project would not result in

new significant impacts related to hydrology or water quality that were not identified in those prior EIRs. There is no new information that was not known, and could not have been known at the time the prior EIRs were certified that shows that the proposed amendments to agricultural building intensity on parcels designated as Large Parcel Agriculture or Resource Management would have more, or more severe significant effects related to hydrology or water quality. With required compliance with all applicable building and grading regulations, State Water Board regulations, Site Development Review by the County, as well as CEQA review for those developments that require a CUP, impacts of individual agricultural operations on hydrology and water quality would not be significant.

Transportation

Would the Project:	1994 ECAP EIR Findings	Relationship to 1994 ECAP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Policies and Regs	Resulting LOS
a) Violate any water quality standards, conflict with water quality objectives, fail to meet waste discharge requirements, significantly degrade any surface water body or groundwater, or adversely affect the beneficial uses of such waters, including public uses and aquatic, wetland and riparian habitat	Less than Significant with policies and regulations	■	□	SWB General Winery Order NPDES C.3 and C.6 regulations County Grading regulations SDR	Less than Significant with Regs
b) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems due to changes in runoff flow rates or volumes	Less than Significant with policies and regulations	■	□	County Grading regulations	Less than Significant with Regs
c) Result in a significant increase in pollutant discharges to receiving waters during or following construction	Less than Significant with policies and regulations	■	□	NPDES C.3 and C.6 regulations SDR	Less than Significant with Regs
d) Place housing within a 100-year flood hazard area, place within a 100-year flood hazard area structures which would impede or redirect flood flows, expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami, or mudflow	No Impact	■	□	-	No Impact

1994 ECAP EIR Conclusions

The 1994 ECAP EIR used Level of Service (LOS) standards included in the Alameda County Congestion Management Plan, as well as volume/capacity ratios and other measures of traffic congestion as CEQA thresholds. Accordingly, most of the traffic analysis conclusions were based on these thresholds, finding the following impacts:

- It may not be possible to sufficiently expand roadway capacity to accommodate increased traffic volumes attributable to housing and employment growth, due to a variety of constraints
- Freeway and highway capacities would be inadequate to meet increased traffic demand

- Arterial roadway capacities would be inadequate to meet increased traffic demand

Changed Circumstances – VMT rather than LOS or V/C Measures of Congestion

In 2013, Governor Brown signed Senate Bill (SB) 743, which added Public Resources Code Section 21099 to CEQA, effectively changing the way that transportation impacts are analyzed under CEQA. The intent of this legislation is to better align local environmental review with statewide objectives to reduce greenhouse gas (GHG) emissions, encourage infill mixed-use development in designated priority development areas, reduce regional sprawl development, and reduce vehicle miles travelled (VMT) in California. SB 743 recommends VMT as the appropriate measure for assessing the transportation impact of a project on the environment, finding that VMT is a more appropriate measure than automobile delay, and that automobile delay as measured by intersection level of service (LOS) is not an impact on the environment. Automobile delay is a measure of travel speed. SB 743 specifically identifies automobile LOS (i.e., traffic congestion) as an inappropriate measure of environmental impact and encourages the use of VMT as an appropriate replacement measure.

The CEQA Guidelines from the State Office of Planning and Research (OPR) published in December 2018 require the use of VMT, and prohibit the use of LOS or other congestion-based metrics in CEQA documents after July 2020. Accordingly and correctly, this CEQA Analysis does not include an analysis of traffic congestion as an impact on the environment, nor does it use a level of service-based threshold for its analysis of transportation impacts.

Project Analysis

According to the Alameda County Transportation Commission's Vehicle Miles of Travel (VMT) data derived from the Alameda Countywide Model, Alameda County currently (as of 2020) has a VMT ratio of 19.4 vehicle miles traveled per resident, and 15.9 VMT per employee, and East County has a VMT ratio of 30.5 VMT per resident, and 15.2 VMT per employee.

The threshold used in this analysis is whether the Project would cause substantial additional VMT per capita, per countywide service population. To address this VMT threshold at a plan level, the following general assumptions related to the proposed amendments to Measure D pursuant to the Project are made:

- The increase in employment related to the potential increase in East County agricultural operations is not expected to be a substantial number. According to industry-wide statistics for the US, there are about 11,053 operating wineries in the US, employing approximately 56,698 employees, or only about 5 employees per winery. This accounts for those small independent wineries that are owner-operated, as well as the larger winery operations with multiple employees.
- It is assumed that other agricultural operations (such as olive and pistachio orchards) would have similar employment characteristics
- The increase in employment at new or expanded horse-boarding facilities within East County and the Castro Valley area is similarly expected to be small-scale, prompting an increase of perhaps 2 to 10 employees per facility.

It is likely that the new agricultural jobs that may be generated by expanded agricultural operations will be absorbed by the local labor force, including agricultural owners/operators living at on-site residences, agricultural caretakers living on premises, existing agricultural labor already employed in the area, and employees from the immediately surrounding area. The increased employment-related VMT attributed to the Project would not exceed Countywide VMT per employee characteristics, and is likely to be substantially lower (more than 15% less) than the Countywide VMT ratio.

To the extent that new wineries may increase recognition of the South Livermore Valley as a premium wine-producing region, these wineries may capture a larger share of the existing regional demand for winery-related tours, tasting and visitor services. If the East County can capture a larger share of this demand, it may reduce or offset the VMT attributed to those customers who may otherwise travel further distance (e.g., to Napa or Sonoma County) for a similar experience. Similarly, the increased development potential for new or expanded equestrian facilities in the East County may reduce or offset the VMT attributed to those horse owners and equestrian participants who need to travel outside of Alameda County to find boarding vacancies and riding/training facilities.

CEQA Conclusions Pertaining to Transportation

This analysis includes an examination of the analysis, findings and conclusions of the 1994 ECAP EIR and 2012 CVGP EIR, and consideration of the newer circumstances specific to VMT as the currently applicable CEQA threshold. Based on this examination, implementation of the amendments to Measure D pursuant to the Project would not substantially increase the severity of significant transportation impacts as identified in those prior EIRs. Implementation of the amendments to Measure D pursuant to the Project would not result in new significant transportation impacts that were not identified in those prior EIRs. There is no new information not known at the time the prior EIRs were certified that shows that the proposed amendments to agricultural building intensity on parcels designated as Large Parcel Agriculture or Resource Management would have more, or more severe significant transportation effects. The transportation impacts, as measured based on VMT thresholds related to increased agricultural operations would not be significant.

Water Supply

Would the Project:	1994 ECAP EIR Findings	Relationship to 1994 ECAP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Policies and Regs	Resulting LOS
a) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed	Less than Significant-	■	□	-	Less than Significant

1994 ECAP EIR Conclusions

The 1994 ECAP EIR provides a detailed analysis of water use for irrigated agricultural purposes. It states the following, “In 1994, there was an estimated 2,250 acres of irrigated agriculture in the Livermore-Amador Valley, 2,100 acres of which are located in the South Livermore Valley, with most of the remaining irrigated acres located between Pleasanton and Livermore south of 1-580. In the South Livermore Valley, vineyards require about 1 to 1.5 acre-feet of applied water per acre per year. Existing agricultural demand in the Livermore-Amador Valley is about 3,300 acre-feet, 2,400 acre-feet of which is untreated water from the South Bay Aqueduct, with the remaining 900 acre-feet from groundwater.

Pumping permits and pump taxes are not currently being imposed by Zone 7, although their imposition is the legal prerogative of the Zone. Use is estimated by Zone 7 based on acres under cultivation. Use of groundwater in the South Livermore Valley is particularly important during peak demand when sufficient imported water is unavailable. Zone 7 has adopted an agricultural water policy that recognizes the long-term importance of agriculture and viticulture to residents of East County and calls upon Zone 7 to "make its best effort to distribute any required cutbacks proportionately among all users during times of drought and/or water supply shortages”.

Water Supply

The 1994 ECAP EIR determined that water demands from new urban development would exceed existing water supply (Potential Impact 5.13-1).³⁶

Buildout of ECAP would expand the population of the planning area from 136,000 to 287,000 people. The present water supply for the planning area is insufficient to meet the needs of the projected population by 2010 or for buildout of the East County Area Plan. In order to meet these respective demands, the water supply will have to be increased by about 12,500 acre-feet in the next twenty years and by about 20,250 acre-feet at some later point in time, if or when buildout is achieved.

Zone 7 estimated that its water supply could meet the needs of a service population of 174,000 to 192,000 people, depending on the effectiveness of water conservation measures in reducing water demands. If the facilities planned for the State Water Project are put into operation, the Zone could supply the needs of 210,000 to 231,000 people. ECAP makes it clear the County would not approve any new development that exceeds the water supply. It is the responsibility of the developer to demonstrate the availability and proposed efficient use of water through the efficient use of existing sources (such as through implementation of conservation,

³⁶ Alameda County, ECAP Draft EIR, 1993 page 5.13-11

reclamation, and/or best management practices), or by working with the County and service providers in securing new sources. Other policies and programs express the commitment of the County to encourage Zone 7 to seek new sources of water and water storage facilities and to support efficient use of the resource through comprehensive planning and management, conservation measures and improved technology. With implementation of ECAP policies and programs, no significant impacts on water supply were indicated.

Groundwater

The 1994 ECAP EIR determined that pumping of groundwater could result in the long-term depletion of the groundwater basin (Potential Impact 5.13-2).³⁷

The Livermore-Amador Valley groundwater basin is managed by Zone 7 to keep within the limits of long-term safe yield. Development of agricultural and rural residential land uses allowed under ECAP outside the UGB would result in increased demand for groundwater from the basin. Specifically, significant agricultural demand for groundwater could occur if new users could not secure imported untreated water from the South Bay Aqueduct, or if the availability of untreated imported water was insufficient during periods of drought and peak demand. Whether or not increased demand would be sufficiently large to lead to long-term depletion of the groundwater basin could not be determined at that time, and will require monitoring. However, long-term groundwater depletion could potentially occur if cumulative groundwater extraction consistently exceeded 13,200 acre-feet per year, the currently accepted safe yield.

Most of the increased demand would probably come from new cultivated acreage under the South Livermore Valley Area Plan. Implementation of the South Livermore Valley Area Plan could bring an additional 3,260 acres under cultivation. Water needed for this acreage could exceed existing water supply allocated for agricultural use by about 2,500 acre-feet. As aggregate resources in the Livermore-Amador Valley become depleted over the next twenty years, sufficient water could be freed up to cover this potential deficit. However, if irrigated agriculture's need for water could not be met, competition for existing limited urban water supplies could occur. This potential impact has been analyzed and mitigated in the SLV AP EIR. Like ECAP, SLVAP policy requires that the project proponent show, to the satisfaction of the County and Zone 7, that adequate water supplies be available for irrigation needs, and encourages the development of additional sources of irrigation water for vineyards and other cultivated agriculture by investigating wastewater reclamation and development of other supply and delivery resources.

Changed Circumstances – 2020 Urban Water Management Plan

In July of 2021, Zone 7 issued its 2020 Urban Water Management Plan (UWMP). The State Urban Water Management Planning Act requires larger water suppliers that provide water to urban users (like Zone 7) to develop UWMPs every five years. UWMPs evaluate conditions for the next 20 years, so these regular updates ensure continued, long-term planning. The following information is derived from that Zone 7 2021 UWMP.

Zone 7's water service area includes Livermore, Pleasanton, the City of Dublin, and the Dougherty Valley portion of the City of San Ramon via an out-of-service-area agreement with DSRSD. Many of these areas anticipate significant growth in the next 20 years, which would increase their demand for water. Thorough and accurate accounting of current and future water demands is critical for Zone 7's planning efforts. Zone 7 coordinated closely with each of the four retailers to estimate water demands through the year 2045. This process involved reviewing development and planning documents for each city within Zone 7's service area. For all of Zone 7's customers, water demand is expected to increase approximately 24 percent (from 2020 levels) by 2045. Most of that growth is expected in the next ten years.

³⁷ Alameda County, ECAP Draft EIR, 1993 page 5.13-13

Zone 7 Water Supplies

Imported water from the State Water Project (water originating in Lake Oroville and delivered to Zone 7 through reservoirs, rivers, aqueducts and pipelines that make up the State Water Project) makes up approximately 80 percent of Zone 7's water supply. The remainder comes from groundwater (which also originated as imported water) and local surface water (water originating as rainfall within the local watershed). The future reliability of imported water is a concern. Drought, sea level rise, and natural disasters threaten the Sacramento-San Joaquin Delta (Delta), a critical component of the delivery system bringing water to Zone 7. As a result, Zone 7 is participating in and evaluating various projects that would provide alternate water supplies and/or storage to protect the existing delivery system against threats. Zone 7's future water supplies are expected to keep pace with water demands through temporary water transfers and long-term projects. In 2045, water supplies are expected to be approximately 49 percent higher than in 2020.

Conservation Target Compliance

As a wholesale water agency, Zone 7 is not required meet 20 percent reduction targets by 2020 in accordance with SB X7-7. However, it has fully supported the achievement of SB X7-7's water use reduction targets by its retailers. Each of Zone 7's retailers has achieved and exceeded the goals of their water use reduction targets. Conservation continues to play a key role in achieving long-term water supply reliability for the Tri-Valley.

Zone 7 Water Service Reliability

The California Water Code asks agencies to evaluate their water service reliability by examining the impact of drought on their water supplies, and comparing those reduced supplies during drought to the retailer's expected water demands. Specifically, agencies should calculate their water supplies during a single dry year and five consecutive dry years using historical records. With continued strategic planning and implementation of key projects, Zone 7 is well positioned to withstand the effects of a single dry year and a five-year drought. Water supplies exceed water demands during dry conditions, and this remains true for five-year droughts beginning in 2025, 2030, 2035, 2040, and 2045. Zone 7's drought risk was also specifically assessed between 2021 and 2025, assuming that the next five years are dry years. Zone 7 expects to meet demands under these conditions, with any extra supplies largely going to storage for use during the following year(s) after accounting for system losses.

The water reliability assessment for a five-consecutive-dry-year period reveals that Zone 7's supplies are adequate to meet projected demands on average. Still, there is a potential that operational constraints (especially during a Delta outage when there may be no or minimal water moving through the South Bay Aqueduct from the Delta) could result in shortages, particularly in the near-term before major water supply projects are implemented around 2030. Untreated water customers would be most vulnerable because of their reliance on Delta water. In these cases, Zone 7 could call for voluntary or mandatory conservation and make operational adjustments to minimize such shortages. Furthermore, during dry periods, water reserves will be drawn down and need to be replenished in the following years.

Water Shortage Contingency Plan

A WSCP describes an agency's plan for preparing for and responding to water shortages. Zone 7 updated its WSCP to include its process for assessing potential gaps between planned water supply and demands for the current year and the next potentially dry year. In coordination with its retailers, Zone 7 aligned its service area's water shortage levels with the State's shortage levels for consistent messaging and planned for locally appropriate water shortage responses. When Zone 7 anticipates or identifies that water supplies may not be adequate to meet the normal water supply needs of its customers, the Zone 7 Board may determine that a water shortage exists and consider a resolution to declare a water shortage emergency and associated stage.

The shortage stage provides direction on shortage response actions. Zone 7 will also consider any statewide actions or declarations in any local declarations of a shortage stage.

Project Analysis

Based on the 1994 ECAP EIR water demands, an acre of irrigated agriculture in South Livermore Valley (assumed as vineyards) requires about 1.5 acre-feet of applied water per acre per year. The approximately 2,200 acres of existing irrigated vineyards therefore generates a demand for about 3,300 acre-feet of water. According to the Zone 7 UWMP, current (year 2020) untreated water demand for irrigated agriculture was 5,810 acre-feet, indicating that about 2,500 acre feet of untreated water was used elsewhere in the Zone 7 service area for irrigated agriculture.

If the proposed amendments to Measure D (the Project) stimulate investments in vineyard development in the South Livermore Valley such that the full 5,000 acres of vineyards are eventually realized, the total irrigated water demands would increase to approximately 7,500 acre-feet. Zone 7's UWMP estimated the future year 2045 demand for irrigated agriculture to be approximately 8,300 acre-feet, leaving a surplus of about 800 acre-feet of untreated raw water available for other irrigated agricultural use.

The Zone 7 UWMP expects a water demand from increased irrigated agriculture that is actually less than the anticipated demand for a complete 5,000-acre vineyard buildout in South Livermore Valley. The UWP also finds that this irrigated agriculture demand, combined with the much larger demand of 43,000 acre-feet for other municipal water demands of retail providers, can be met with expected future water supplies, including reduced supplies under the effects of a single dry year and a five-year drought. Therefore, the proposed amendments to Measure D (the Project) would not generate water demands that would exceed available supplies, and this impact would remain less than significant.

CEQA Conclusions Pertaining to Water Supply

This analysis includes an examination of the analysis, findings and conclusions of the 1994 ECAP EIR and 2012 CVG EIR, and consideration of the newer circumstances specific to zone 7's UWMP of 2021. Based on this examination, implementation of the amendments to Measure D pursuant to the Project would not substantially increase the severity of significant impacts related to water supply as identified in those prior EIRs. Implementation of the amendments to Measure D pursuant to the Project would not result in new significant impacts related to water supply that were not identified in those prior EIRs. There is no new information that was not known, and could not have been known at the time the prior EIRs were certified that shows that the proposed amendments to agricultural building intensity on parcels designated as Large Parcel Agriculture or Resource Management would have more, or more severe significant effects related to water supply. The impacts of individual agricultural operations on water supply would not be significant.

Wildfire

Would the Project:	1994 ECAP EIR Findings	Relationship to 1994 ECAP EIR Findings:		Project Conclusions:	
		Equal or Less Severe	New or Substantial Increase in Severity	Applicable Policies and Regs	Resulting LOS
a) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire	NA	NA	NA	-	LTS
b) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment	NA	NA	NA	-	LTS
c) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes	NA	NA	NA	-	LTS
d) Substantially impair an adopted emergency response plan or emergency evacuation plan	NA	NA	NA	-	LTS

1994 ECAP EIR Conclusions

The 1994 ECAP EIR did not include an analysis of wildfire hazards, but did include a description of the wildfire conditions in East County.³⁸ According to that discussion, “a combination of highly flammable vegetation, steep slopes, and long, dry summers creates a significant threat of large wildland fires in the East County. This threat is greatly exacerbated by the large number of people who live, work and recreate in these areas. Once a wildland fire has been ignited, its progression is affected by three environmental factors: fuel loading, climate and topography. Fuel loading is a function of the quantity and type of vegetation available for burning. The main climatic determinants for wildland fires are wind speed, temperature, and relative humidity. Topography influences wildland fire behavior and the ability of firefighters to suppress fires once they occur. Fires tend to burn more rapidly upslope than down, and the steeper the slope the more rapidly the fire spreads. Steep slopes also contribute to the channeling effects of winds, increase travel times for fire vehicles, and restrict available firefighting methods.

The California Department of Forestry (CDF) has developed a Wildland Fire Severity Scale which defines fire hazard categories based on a combination of these environmental factors. "Moderate" hazards are generally

³⁸ Alameda County, ECAP Draft EIR, 1993 page 5.19-5

found in grasslands, where fires burn with low heat and are relatively easy to control. This is the most common hazard level in the East County. "High" hazards tend to be found on hillier terrain. This hazard level is found throughout the mountainous southern portion of the planning area. No "low" or "extreme" hazard areas exist in the East County as currently mapped.

Changed Circumstances – Wildfire as a CEQA Threshold

In 2019, a new section was added to Appendix G of the CEQA Guidelines to address the need to evaluate wildfire impacts. This section focuses on whether projects located in or near state responsibility areas (where the state has financial responsibility of preventing and suppressing fires), or lands classified as very high fire severity zones by local agencies, would:

- Substantially impair an adopted emergency response plan or emergency evacuation plan
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes

CalFire publishes Fire Hazard Severity Zone Maps for all regions in California. The fire hazard measurement used as the basis for these maps includes the speed at which a wildfire moves, the amount of heat the fire produces, and the burning firebrands that the fire sends ahead of the flaming front. Lead agencies and project proponents can review the CalFire maps to determine whether a given project site will be subject to the new CEQA wildfire impacts analysis.

Project Analysis

Based on CAL FIRE's assessment of significant wildfire hazards within the region (see **Figure 6**), the following are generalized conclusions regarding wildfire hazards in East County:

- Much of the lands designated as Large Parcel Agriculture that lie to the north, east and south of Livermore are indicted a mix of Moderate to High Fire Hazard Severity Zones, with the Moderate category generally on those locations nearest to the City boundaries
- Much of the lands designated as Large Parcel Agriculture that lie to the north and south of Pleasanton are also indicted a mix of Moderate to High Fire Hazard Severity Zones
- Much of the lands designated as Resource Management that lie to the west of Pleasanton in the Pleasanton Ridgeland are indicted as a Very High Fire Hazard Severity Zone
- The Castro Valley Canyonlands within Cull Canyon and Crow Canyon that lie generally to the northeast of Castro Valley and designated as Resource Management in CVGP are indicted as a High Fire Hazard Severity Zone
- The Canyonlands that lie generally to the north of Castro Valley along the Chabot Regional Park and designated as Resource Management in CVGP are indicted as a Very High Fire Hazard Severity Zone

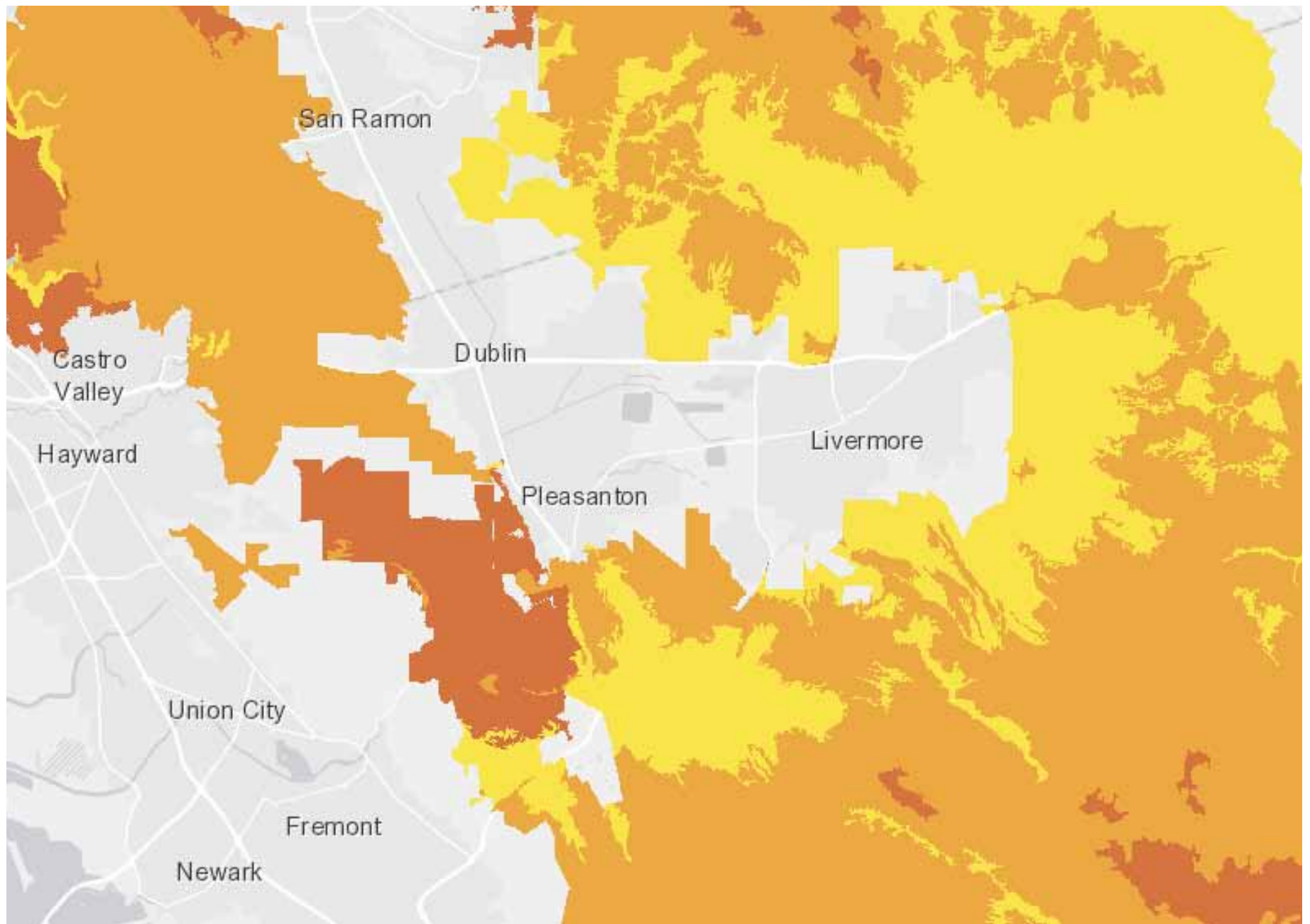


Figure 6
Wildfire Hazard Severity Zones in East Alameda County

Source: MTC/ABAG Hazards Viewer, accessed at: <https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8>

On a programmatic level, no site-specific wildfire hazards for any specific agricultural building site can be identified, but there is a potential that new and expanded agricultural buildings for wineries within the South Livermore Valley or Sunol areas would most likely be located with a Moderate to High Fire Hazard Severity Zone. New or expanded equestrian facilities in the Crow Canyon/Cull Canyon area would likely be located within a High Fire Hazard Severity Zone, and any new or expanded equestrian facilities along Lake Chabot Road and Redwood Road would likely be located within a Very High Fire Hazard Severity Zone

The County's administrative Site Development Review (SDR) process for Agricultural parcels provides the opportunity to condition approval of new agricultural buildings and equestrian facilities as may be necessary to address wildfire concerns. Among the Site Development Review standards and regulations, those that will continue to address wildfire issues include, but are not limited to the following:

- Agricultural subdivisions shall be configured to minimize the creation of and susceptibility of the subdivision and adjoining lands to fire hazards
- Agricultural subdivisions shall include access to each parcel that is consistent with Alameda County Fire Department requirements, and shall be subject to reasonable response times for emergency services

The potential for any individual project to exacerbate wildfire risks, require the installation or maintenance of associated infrastructure that may exacerbate fire risk, or expose people or structures to significant risks as a result of runoff, post-fire slope instability or drainage changes, will need to be evaluated on a case by case basis.

CEQA Conclusions Pertaining to Transportation

Implementation of the amendments to Measure D pursuant to the Project would not result in new significant wildfire risks that were not identified in the prior EIRs. There is no new information not known at the time the prior EIRs were certified that shows that the proposed amendments to agricultural building intensity on parcels designated as Large Parcel Agriculture or Resource Management would have new, or more severe significant wildfire risks.

Other Less than Significant Effects

Aesthetics

1994 ECAP EIR Conclusions

The 1994 ECAP EIR concluded that increased development in the Livermore-Amador Valley would substantially alter the Valley's visual character. Although the East County would remain predominantly rural in character, implementation of ECAP would result in irreversible and substantial changes in the visual character of the Livermore-Amador Valley due to proposed urban development in existing rural areas. Under the original 1994 ECAP, about 10,000 acres of existing open space in the Valley (3,125 acres in East Dublin, 6,100 in North Livermore and 800 acres in the South Livermore Valley) would be converted to urban development. This loss of about 10,000 acres of open space to urbanization was found to result in a substantial visual alteration of the still predominantly rural character of the Livermore-Amador Valley, resulting in significant and irreversible impact.

The 1994 ECAP EIR also concluded that proposed development adjacent to Interstate 580 would obstruct public views of open space serving as a community separator between East Dublin and North Livermore, where the Urban Growth Boundary extending around the cities would reinforce perception of the three cities as one unit. Despite the large amount of open space between East Dublin and North Livermore, its effectiveness as a community separator was lessened because the Land Use Diagram showed no open space separation between the two subareas.

Changed Circumstances – Measure D

Measure D substantially changes these 1994 ECAP EIR conclusions by establishing a more restricted UGB around each of the three incorporated cities. Measure D also establishing new policies for lands outside the Urban Growth restricting the County from approve divisions of parcels, except to the extent consistent with the Initiative and its new Standards for Subdivision and Site Development Review for Agricultural Parcels. In areas outside the County Urban Growth Boundary designated Large Parcel Agriculture, Resource Management or Water Management Lands, the number of parcels that may be created, the residential units permitted on each parcel, the size of the development envelope, the maximum floor areas and floor area ratios, and the uses permitted may not be increased.

Project Analysis

Whereas new or expanded agricultural buildings as permitted pursuant to the proposed amendments to Measure D would functionally enable more than 3 times the building square footage on certain parcels within the Large Parcel Agricultural designation, these buildings would still be required to be clustered on generally 2-acre building envelopes within each parcel. The separation between building envelopes would depend on individual parcel sizes, but would remain substantial enough to retain the Valley's rural character. New or expanded agricultural buildings as permitted pursuant to the proposed amendments to Measure D would not convert the visual character of the Livermore-Amador Valley to an urban character, and would not obstruct public views of open space serving as community separators.

Mineral Resources

1994 ECAP EIR Conclusions

The 1994 ECAP EIR concluded that encroachment of urban development on or adjacent to areas underlain by state-designated Regionally Significant Construction Aggregate deposits could interfere with mining of the

resource. At that time, development had already encroached upon existing quarries in the Livermore-Amador Valley, and conflicts had already occurred. It was considered possible that nearby sensitive development would require placement of additional restrictions on operations to ensure reasonable well-being and health of the residents. Such restrictions could make mining of the resource more difficult, as well as impede ultimate establishment of the Quarry Area Specific Plan for water transfer and recharge.

Changed Circumstances – Measure D

Measure D established an expanded Resource Management land use designation around the majority of existing quarries. It also resulted in an expanded area outside of the San Francisco Water Department lands that extends to the limit of the watershed boundary as "Resource Management". Within this area, the County encourages land use activities to adhere to management guidelines developed for the protection of watershed lands and shall ensure that subdivisions of lands or quarry operations and reclamation plans within this designation are approved only where such subdivisions or quarry operations would not adversely affect the watershed protection objectives of the San Francisco Water Department.

Project Analysis

There are few remaining Construction Aggregate Resource Areas within the County not already under permitted quarry operations. It is highly unlikely that any given proposal for new or expanded agricultural buildings pursuant to the proposed amendments to Measure D would intrude onto or within proximity of any State-designated Regionally Significant Construction Aggregate Resource Area so as to result in a land use incompatibility.

Population and Housing

1994 ECAP EIR Conclusions

The 1994 ECAP EIR concluded that housing and employment growth could cause an imbalance between jobs and housing. Buildout of the East County Area Plan was expected to increase the number of housing units in East County from 50,574 to 108,047, and to increase the number of jobs in the East County from 76,333 to 159,903. Using these projections, the East County would attain a jobs/housing ratio of .99, or a balance between the number of jobs and the number of employed residents. ECAP incorporated a balance, in strictly numerical terms, for the projected horizon.

Changed Circumstances – Measure D

Measure D and have been highly effective in redirecting that housing and urbanization occur in the East County cities of Dublin, Pleasanton and Livermore, and not on the prime agricultural land or important open spaces outside of the UGB. This redirection in the location for new housing has not prevented anticipated population growth in East County. The East County has grown by nearly 70,000 people and 22,300 new housing units since 2000, nearly all of which has occurred within the City boundaries, and nearly all within the UGB as established by Measure D.

Project Analysis

The proposed amendments to Measure D would have virtually no effect on population and housing. The proposed amendments would not alter the current General Plan and zoning requirements that permit one single-family dwelling or single-family mobile home, a secondary dwelling unit (subject to and consistent with the provisions of the County policy on secondary dwelling units), an agricultural caretaker dwelling(s), and agricultural employee housing on each legal parcel.

Public Services

1994 ECAP EIR Conclusions

The 1994 ECAP EIR concluded that implementation of ECAP would cause demand for school facilities to exceed available capacity. New residential development would primarily be located in East Dublin and North Livermore, with the greatest impact on the Dublin Unified School District and the Livermore Valley Joint Unified School District (LVJUSD). Policies and programs in the proposed ECAP described ways in which the County would support the school districts in providing the necessary school facilities needed, and the impact was determined less than significant.

The 1994 ECAP EIR concluded that implementation of ECAP would result in increased demand for police services, which could exceed the ability of existing police and sheriff departments' personnel to provide service in accordance with established service ratios and/or within established response times. ECAP policies and programs were designed to ensure that ECAP was largely "self-regulating" with respect to Major New Urban Developments, determining that development cannot be approved if performance standards for services are not met. With respect to other development, the County is required to phase development in accordance with infrastructure availability. With implementation of ECAP policies and programs, no significant impact to police and sheriff services would result.

Finally, the 1994 ECAP EIR concluded that implementation of ECAP would result in increased demand for fire services, which could exceed the ability of existing fire protection agencies' personnel to provide service in accordance with established service ratios and/or within established response times. ECAP provided the County would only approve development if it can meet designated public service performance standards and would not impose a fiscal burden on the County or cities. In the unincorporated area, all new development would be required to pay its fair share of costs to provide public services. With implementation of ECAP policies and programs, no significant impact to fire services would result.

Changed Circumstances – Measure D

Measure D established a County Urban Growth Boundary which focused urban-type development in and near existing cities, where it could be efficiently served by public facilities, thereby avoiding high costs to taxpayers and users, as well as to the environment. Measure D was designed to remove the County government from urban development outside the UGB. The County is prohibited from providing or authorizing expansion of public facilities or other infrastructure that would create more capacity than needed to meet the development allowed by the Initiative. The Initiative does not prohibit public facilities or other infrastructure that has no excessive growth-inducing effect on the East County area and have permit conditions to ensure that no service can be provided beyond that consistent with development allowed by the Initiative.

Project Analysis

The proposed amendments to Measure D would have little effect on schools, police service or fire protection service, especially when compared to the substantially greater demands for these public services that is generated by urban development within the respective cities. Impacts of the Project on public services would be less than significant.

Noise

The 1994 ECAP EIR concluded that increased traffic resulting from growth ECAP could expose some existing residential land uses to a significant increase in noise levels. Increases in noise related to the growth under ECAP would be most evident along major transportation corridors. Existing land uses along noisy corridors such as Interstate 580 and 680 are currently exposed to levels in excess of those considered "normally acceptable" for residential development, if they do not have noise barriers or appropriate setbacks. Mitigation measures were identified, but no mitigation measures were found effective in lessening the impact to a less than significant level. The 1994 ECAP also found that sensitive land uses in areas to be exposed to noise levels exceeding 60 dB could result in a significant noise impact. Noisy areas included the projected 60 dB contour along the 1-580 and 1-680 corridors, other roadways and the Livermore Airport.

Changed Circumstances – Measure D

There were no important ECAP policies or programs specific to noise that were added, revised or enacted by Measure D.

Project Analysis

Noise levels attributed to increased irrigated agriculture, agricultural buildings and equestrian arenas may be considered a nuisance by some nearby sensitive receptors, but noise levels from the activities generally do not rise to the level of a significant environmental effect. Furthermore, ECAP policy provides that the County shall enforce the provisions of the Alameda County Right-to-Farm Ordinance on all lands within and adjacent to agricultural areas. The Alameda County Right to Farm ordinance indicates that residences located near an agricultural operation must recognize that the property may be subject to noise, dust, odors, night operations, or other impacts resulting from the operation. This impact would remain less than significant.

CEQA Conclusions Pertaining to Other Effects

This analysis includes an examination of the analysis, findings and conclusions of the 1994 ECAP EIR and 2012 CVGP EIR, and consideration of newer circumstances. Based on this examination, implementation of the amendments to Measure D pursuant to the Project would not substantially increase the severity of significant impacts related to aesthetics, mineral resource, population and housing, public services or noise as identified in those prior EIRs. Implementation of the amendments to Measure D pursuant to the Project would not result in new significant impacts related to aesthetics, mineral resource, population and housing, public services or noise that were not identified in those prior EIRs. There is no new information that was not known, and could not have been known at the time the prior EIRs were certified that shows that the proposed amendments to agricultural building intensity on parcels designated as Large Parcel Agriculture or Resource Management would have more, or more severe significant effects related to aesthetics, mineral resource, population and housing, public services or noise. The impacts of individual agricultural operations on aesthetics, mineral resource, population and housing, public services or noise would not be significant.

RESOLUTION NO. R-2022-____

A RESOLUTION AND ORDER OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, APPROVING AN ORDINANCE TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF ALAMEDA COUNTY TO AMEND THE "SAVE AGRICULTURE AND OPEN SPACE LANDS" BALLOT MEASURE (MEASURE D, NOVEMBER 2000); FINDING THAT THE CEQA CONDITIONS CALLING FOR A SUBSEQUENT OR SUPPLEMENTAL EIR ARE NOT PRESENT; ADOPTING THE ADDENDUM TO THE 2002 EIR FOR THE EAST COUNTY AREA PLAN AND THE 2012 CASTRO VALLEY GENERAL PLAN; CALLING FOR AN ELECTION TO BE CONSOLIDATED WITH THE NOVEMBER 8, 2022 GENERAL ELECTION; FIXING THE DATE AND MANNER OF THE ELECTION AND THE PROCEDURE FOR VOTING THEREIN; AND PROVIDING FOR NOTICE THEREFOR.

WHEREAS, on November 7, 2000, the voters of Alameda County approved the "Save Agriculture and Open Space Lands" ballot initiative, referred to as "Measure D" or the Initiative; and

WHEREAS, the stated purposes of Measure D were to "preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, the wildlife habitats, the watersheds and the beautiful open spaces of Alameda County from excessive, badly located and harmful development"; and

WHEREAS, when Measure D amended the East County Area Plan in 2000, it provided for a separate floor area ratio (FAR) for greenhouses in certain areas (Large Parcel Agriculture) but not for other agricultural buildings; and

WHEREAS, increased square footage for other types of agricultural buildings will allow for a broader range of agricultural activities in those areas and address the negative impact the current Measure D FAR limitations have made on the lack of growth of the agricultural industry and operations (particularly equine operations) in the East County and Canyonlands of Castro Valley; and

WHEREAS, between March 8, 2021 and July 11, 2022 the Board of Supervisor's Transportation and Planning Committee held a total of eight meetings, the County's Community Development Agency presented at seventeen meetings (including before the Agricultural Advisory Committee, Castro Valley Municipal Advisory Council, Fairview Municipal Advisory Council, and the Sunol Citizens' Advisory Council), the County Planning Commission held two meetings and one public hearing, and the Board of Supervisors held at least one meeting to discuss the viability of a ballot measure and to solicit input from the public and stakeholders on the scope and content of the measure; and

WHEREAS, the Board of Supervisors, having received input and support from the community, now desires to call an election for the purpose of submitting to the qualified electors of the County a proposition for amending the "Save Agriculture and Open Space Lands" ballot measure (Measure D, November 2000); and

WHEREAS, the County prepared an Initial Study/Addendum for this Project dated June 2022 (the "Addendum"), to determine whether the County's certified final Environmental Impact

Reports (EIR) for the 2002 amendments to the East County Area Plan (ECAP) and the 2012 Castro Valley General Plan (CVGP) could be used to support a proposition for amending Measure D or whether additional environmental review is required; and

WHEREAS, the County has determined that none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent or supplemental EIR are present to wit:

1. Substantial changes are not proposed by the Project which will require major revisions to the previous EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects,
2. Substantial changes will not occur with respect to the circumstances under which the Project is undertaken which will require major revisions to the previous EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or
3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIRs were certified as complete, showing any of the following:
 - A. The Project will not have one or more significant effects not discussed in the previous EIRs,
 - B. Significant effects previously examined will not be substantially more severe than shown in the previous EIRs,
 - C. Mitigation measures or alternatives previously found not to be feasible would not in fact be feasible and would not substantially reduce one or more significant effects of the Project, or
 - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIRs would not substantially reduce one or more significant effects on the environment.

WHEREAS, based on the determination regarding CEQA Guidelines section 15162, the County prepared and the Board has considered the Addendum, attached as Exhibit A, pursuant to CEQA Guidelines section 15164; and

WHEREAS, the Board of Supervisors is authorized by Election Code Section 9140 to submit the proposed Ordinance to the voters at any succeeding regular or special election; and

WHEREAS, Article 2, Section 11 of the Constitution of the State of California ("Article II") guarantees the local electorate's right to initiative co-extensive with the legislative powers of the local governing body; and

WHEREAS, in the judgment of the Board of Supervisors the proposed amendments to Measure D are deemed in the public interest, serve a public purpose and it is necessary that Measure D be amended as described in the Ordinance; and

NOW, THEREFORE, THIS BOARD OF SUPERVISORS HEREBY RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The Board hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The Board hereby finds and determines that the conditions set forth in the CEQA Guidelines calling for a subsequent or supplemental EIR are not present and it adopts the "CEQA Review For November 2022 Ballot Measure Amending the 'Save Agriculture and Open

Space Lands' Ballot Measure (Measure D, November 2000)" Addendum to the previously certified 2002 EIR for the East County Area Plan and the 2012 Castro Valley General Plan as the appropriate CEQA environmental analysis for the proposed amendments to Measure D.

Section 3. The County hereby calls an election (the "Election") throughout the County at the next general election, to be held on November 8, 2022, for the purpose of submitting to the qualified electors of the County the proposition set forth in the Ordinance attached as Exhibit A (the "Measure") for their approval to amend the "Save Agriculture and Open Space Lands" ballot measure (Measure D, November 2000) all as contemplated in the Ordinance.

Section 4. The Board orders the following question to be submitted to the voters at the Election:

BALLOT QUESTION: To preserve and enhance agriculture in the unincorporated area of Alameda County, shall the "Save Agriculture and Open Space Lands" Initiative (Measure D, November 2000) allow (1) a maximum floor area ratio of .025 for agricultural buildings in Large Parcel Agriculture areas and (2) a maximum floor area ratio of .025, with a minimum of 20,000 and a maximum of 60,000 square feet, for covered equestrian riding arenas in Large Parcel Agriculture and Resource Management areas?

Section 5. The Board hereby submits the ballot question and the Measure to the qualified electors of the County at the Election in the form set forth above. The Election shall be held and conducted, the votes received and canvassed, and the results ascertained and determined all in the same manner as the statewide election to be held on that date and in conformity with the election laws of the State of California. Only qualified electors of the County may vote on the Measure.

Section 6. If at the Election, a simple majority of the electors of the County voting vote in favor of the Measure, then the Ordinance shall become a valid and binding ordinance of the County.

Section 7. The provisions of Elections Code Section 9160 *et seq.*, relating to arguments concerning county measures, shall apply to the Measure submitted at the Election. The President of the Board, or any member or members of the Board as the President shall designate are hereby authorized, but are not directed, to prepare and file with the Registrar of Voters a ballot argument in favor of the Measure, which shall be considered the official ballot argument of the Board for the Measure.

Section 8. Notice of the Election shall be given by publication of this Resolution and Order in the Inter-City Express, a newspaper published in the County of Alameda, once a week for at least four weeks prior to the holding of the Election, and the Registrar of Voters is hereby ordered and directed to cause this Resolution and Order to be so published. No other notice of the Election need be given.

Section 9. The Election is ordered to be consolidated with the statewide general election to be held on November 8, 2022.

Section 10. The Clerk of the Board is directed to file a certified copy of this Resolution with the Registrar of Voters and the County Administrator is authorized and directed to take all steps necessary to place the Ordinance on the ballot and to cause the Ordinance to be printed. A copy of the Ordinance shall be made available to any voter upon request.

Section 11. This Resolution and Order relating to an election shall take effect immediately.

The foregoing Resolution and Order was passed and adopted by the Board of Supervisors of Alameda County, State of California on the ____ day of _____, 2022 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

President of the Board of Supervisors
County of Alameda, State of California

ATTEST:

ANIKA CAMPBELL-BELTON, Clerk
of the Board of Supervisors, County of Alameda

By: _____

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: _____

Andrea L. Weddle
Chief Assistant County Counsel

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AMENDING THE “SAVE AGRICULTURE AND OPEN SPACE LANDS” BALLOT MEASURE (MEASURE D, NOVEMBER 2000) TO PROVIDE, IN ADDITION TO THE FLOOR AREA RATIO FOR NON-RESIDENTIAL BUILDINGS, (1) A MAXIMUM FLOOR AREA RATIO OF .025 FOR AGRICULTURAL BUILDINGS, INCLUDING GREENHOUSES, IN AREAS DESIGNATED LARGE PARCEL AGRICULTURE BY THE EAST COUNTY AREA GENERAL PLAN AND (2) A MAXIMUM ALLOWABLE FLOOR AREA OF 60,000 SQUARE FEET FOR COVERED EQUESTRIAN RIDING ARENAS IN AREAS DESIGNATED LARGE PARCEL AGRICULTURE AND RESOURCE MANAGEMENT BY THE EAST COUNTY AREA AND CASTRO VALLEY GENERAL PLANS.

WHEREAS, on November 7, 2000, the voters of Alameda County approved the “Save Agriculture and Open Space Lands” ballot initiative, referred to as Measure D or the Initiative; and

WHEREAS, the stated purposes of Measure D were to “preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, the wildlife habitats, the watersheds and the beautiful open spaces of Alameda County from excessive, badly located and harmful development”; and

WHEREAS, the purposes of Measure D were to be achieved by, among other things, establishing an Urban Growth Boundary (“UGB”) to focus urban-type development in or near existing cities inside the UGB while protecting areas outside the UGB for natural resources, agricultural uses, public health and safety, and buffers between communities; and

WHEREAS, a stated goal of the East County Area Plan is to maximize long-term productivity of the East County’s agricultural resources; and

WHEREAS, a December 2021 study (“20-Year Review of Measure D ‘Save Agriculture and Open Space Land’ Initiative”, hereinafter “LAFCo study”) commissioned by the Alameda County Local Agency Formation Commission (LAFCo) concluded that Measure D has been highly effective in limiting urbanized growth in the East County to within the cities of Dublin, Pleasanton and Livermore and not on prime agricultural lands or important open spaces outside the UGB established by Measure D; and

WHEREAS, the LAFCo study also concluded that since the adoption of Measure D, overall agricultural operations in the East County have been economically stable, but not growing, with this stagnant status attributed to economic growth in sales by the wine industry eclipsing the relatively sizable decline in value and productive agricultural use of other agricultural activities like crop harvesting and horse boarding; and

WHEREAS, in response to a policy clarification made by the California Department of Conservation, in October of 2011, the Board of Supervisors amended the County Williamson Act Rules to recognize facilities dedicated to the commercial breeding and training of horses, including training for racing, as constituting an agricultural use of land; and

WHEREAS, the LAFCo study noted a substantial decline in total numbers of horses and horse-related facilities in Alameda County between 2003 and 2013, with a growing demand for equine-industry products and services; and

WHEREAS, of the nine different counties evaluated by the LAFCo study, only four have regulations that restrict the FAR for non-residential uses in agriculturally designated or zoned lands, and of those four, Alameda County's FAR are substantially more restrictive; and

WHEREAS, the proposed ballot measure would increase the maximum building density, or floor area ratio (FAR), for non-residential buildings: (1) in areas of the East County designated Large Parcel Agriculture (LPA) by extending the the current FAR of .025 for greenhouses to agricultural buildings, and (2) in areas of the East County and Castro Valley Canyonlands designated LPA or Resource Management (RM) by allowing a .025 FAR for covered equestrian arenas, providing at least 20,000 square feet for small parcels with a maximum of 60,000 square feet; and

WHEREAS, the proposed ballot measure changes are necessary to preserve and enhance agriculture and agricultural land – a primary goal of Measure D; and

WHEREAS, consistent with Elections Code section 9125, the provisions of Measure D may be changed only by vote of the people of Alameda County, except the Board of Supervisors may also make technical or nonsubstantive modifications to the terms of Measure D for purposes of reorganization, clarification or formal consistency within a general plan; and

WHEREAS, following a properly noticed public hearing, the Alameda County Planning Commission, by an affirmative vote or not less than a majority of the Planning Commission, made a written recommendation to support the adoption of these amendments to the East County Area and the Castro Valley General Plans;

NOW, THEREFORE, the People of the County of Alameda do hereby ordain as follows:

SECTION I General Plan Amendments

The people of Alameda County hereby adopt the following amendments to the text of the "Save Agriculture and Open Space Lands" ballot initiative of November 7, 2000 (Measure D). It is the intent of the people of Alameda County that Section I, subsections A, B, C and D are each part of the amendment of Measure D adopted by this Measure.

A. Large Parcel Agriculture Land Use Designation

The East County Area Plan "Description of Land Use Designations" for Large Parcel Agriculture lands contained in Section 8 of Measure D are amended to provide a floor area ratio (FAR) of .025 for agricultural buildings and to allow not more than 60,000 square feet of floor area for covered equestrian riding arenas (additions are shown as underlines):

***Large Parcel Agriculture** requires a minimum parcel size of 100 acres, except as provided in Programs 39A and 40. The maximum building intensity for non-residential buildings shall be .01 FAR (floor area ratio) but not less than 20,000 square feet. Where permitted, and in addition to the FAR for non-residential buildings, agricultural buildings, including greenhouses, shall have a maximum intensity of .025 and covered equestrian riding arenas shall be allowed a maximum FAR of .025 with a minimum allowable floor area of at least 20,000 square feet and a maximum allowable floor area of not more than 60,000 square feet. One single family home per parcel is allowed provided that all other County standards

are met for adequate road access, sewer and water facilities, building envelope location, visual protection, and public services. Residential and residential accessory buildings shall have a maximum floor space of 12,000 square feet. Additional residential units may be allowed if they are occupied by farm employees required to reside on-site. Apart from infrastructure under Policy 13, all buildings shall be located on a contiguous development envelope not to exceed 2 acres except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural uses, necessary for agricultural use. Subject to the provisions of the Initiative, this designation permits agricultural uses, agricultural processing facilities (for example wineries, olive presses), limited agricultural support service uses (for example animal feed facilities, silos, stables, and feed stores), secondary residential units, visitor-serving commercial facilities (by way of illustration, tasting rooms, fruit stands, bed and breakfast inns), recreational uses, public and quasi-public uses, solid waste landfills and related waste management facilities, quarries, windfarms and related facilities, utility corridors, and similar uses compatible with agriculture. Different provisions may apply in the South Livermore Valley Plan Area, or in the North Livermore Intensive Agriculture Area.

B. Resource Management Land Use Designation

The East County Area Plan “Description of Land Use Designations” for Resource Management lands in Section 8 of Measure D are amended to allow not more than 60,000 square feet of floor area for covered equestrian riding arenas (additions are shown as underlines):

***Resource Management** requires a minimum parcel size of 100 acres and a maximum building intensity for non-residential uses of .01 FAR but not less than 20,000 square feet. Covered equestrian riding arenas shall be allowed (in addition to the FAR for non-residential buildings) a maximum FAR of .025 with a minimum allowable floor area of 20,000 square feet and a maximum allowable floor area of not more than 60,000 square feet. One single family home per parcel is allowed provided that all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual protection, and public services. Residential and residential accessory buildings shall have a maximum floor space of 12,000 square feet. Apart from infrastructure under Policy 13, all buildings shall be located on a contiguous development envelope not to exceed 2 acres, except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural use. Subject to the provisions of the Initiative, this designation permits agricultural uses, recreational uses, habitat protection, watershed management, public and quasi-public uses, areas typically unsuitable for human occupation due to public health and safety hazards such as earthquake faults, floodways, unstable soils, or areas containing wildlife habitat and other environmentally sensitive features, secondary residential units, active sand and gravel and other quarries, reclaimed quarry lakes, and similar and compatible uses. Sand and gravel quarries allow a range of uses including sand and gravel processing, associated manufacturing and recycling uses requiring proximity to quarries, reclamation pits, and public use areas. This designation is intended mainly for land designated for long-term preservation as open space but may include low intensity agriculture, grazing, and very low density residential use.

C. Canyonlands Resource Management Excerpts

Appendix A of the Castro Valley General Plan “Measure D Excerpts Pertaining to the Castro Valley Canyonlands” for Resource Management lands is amended, consistent with the amendment to Section 8 of Measure D in subsection B above, is amended to allow not more than 60,000 square feet of floor area for covered equestrian riding arenas (additions are shown as underlines):

Resource Management requires a minimum parcel size of 100 acres and a maximum building intensity for non-residential uses of .01 FAR, but not less than 20,000 square feet. Covered equestrian riding arenas are allowed (in addition to the FAR for non-residential buildings) a maximum FAR of .025 with a minimum allowable floor area of 20,000 square feet and a maximum allowable floor area of not more than 60,000 square feet. One single family home per parcel is allowed provided that all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual protection, and public services. Residential and residential accessory A-2 Castro Valley General Plan buildings shall have a maximum floor space of 12,000 square feet. Apart from infrastructure under Policy 14A, all buildings shall be located on a contiguous development envelope not to exceed 2 acres, except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural use. Subject to the provisions of the Initiative, this designation permits agricultural uses, recreational uses, habitat protection, watershed management, public and quasi-public uses, areas typically unsuitable for human occupation due to public health and safety hazards such as earthquake faults, floodways, unstable soils, or areas containing wildlife habitat and other environmentally sensitive features, secondary residential units, active sand and gravel and other quarries, reclaimed quarry lakes, and similar and compatible uses. Sand and gravel quarries allow a range of uses including sand and gravel processing, associated manufacturing and recycling uses requiring proximity to quarries, reclamation pits, and public use areas. This designation is intended mainly for land designated for long-term preservation as open space but may include low intensity agriculture, grazing, and very low density residential use

D. Tables in East County Area Plan Appendix

To conform the Tables in the East County Area Plan Appendix to the amendments made in Sections I, subsections A and B of this Ordinance, Section 11(e) of Measure D is amended as follows (additions are shown as underlines):

(e) In Table 10, Appendix 7, a maximum floor area of 12,000 square feet is added for residential and residential accessory buildings in Rural Density, Large Parcel Agriculture, Resource Management, and Water Management Lands; a maximum floor area ratio (FAR) of .025 is added for agricultural buildings, including greenhouses, in Large Parcel Agriculture; the floor area ratio (FAR) in Large Parcel Agriculture and Resource Management is changed by adding a minimum of not less than 20,000 square feet; and a maximum floor area ratio of .025 with a minimum allowable floor area of 20,000 square feet and a maximum allowable floor area of 60,000 square feet is added for covered equestrian riding arenas in Large Parcel Agriculture and Resource Management. For Rural Density the Allowable Gross Density is changed from less than 1 unit/acre to 5 acre minimum parcel size, and Typical Uses from 1-100 acre to 5 acre or less.

SECTION II
Finding of Public Interest

Pursuant to Government Code section 65358, the proposed amendments to the General Plan are deemed to be in the public interest.

SECTION III
Other County Ordinances and Policies

The County of Alameda is hereby authorized and directed to amend the East County Area General Plan, the Castro Valley General Plan, all specific plans, the zoning ordinance, and other ordinances and policies affected by this ordinance as soon as possible and in a consistent manner and time required by any applicable state law to ensure consistency between the goals, objectives and policies adopted in Section I of this ordinance and other elements of the County's East County Area General Plan, the Castro Valley General Plan, all specific plans, the zoning ordinance, and other ordinances and policies.

SECTION IV
Construction and Severability

This Ordinance shall be broadly construed to achieve the purposes stated in this Ordinance. This Ordinance shall be interpreted to be consistent with all federal and state laws, rules, and regulations. If any section, subsection, sentence, clause, phrase, part, or portion of this Ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The votes hereby declare that this Ordinance, and each section, subsection, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Ordinance is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Ordinance that can be given effect without the invalid application.

SECTION V
Amendments

Consistent with Section 23 of Measure D, the provisions of this Ordinance may be changed only by vote of the people of Alameda County, except the Board of Supervisors may impose further restrictions on development and use of land. The Board may also make technical or non-substantive modifications to the terms of this Ordinance, to the extent the terms are incorporated into the East County Area Plan, the Castro Valley General Plan, the Eden Area General Plan, or the Open Space Element of the General Plan for purposes of reorganization, clarification or formal consistency within a Plan. Any modifications must be consistent with the purposes and substantive content of Measure D and this Ordinance.

SECTION VI
Effective Date

Sections I and III of this Ordinance, and all the provisions thereof, shall become effective only upon affirmative passage by a majority vote of the eligible voters of Alameda County pursuant to the California Constitution, Article II, section 11, California Elections Code section 9140, and other applicable law.

Before the expiration of 15 days after its adoption by the Board of Supervisors, this Ordinance shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the ____ day of _____, 2022, by the following called vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

President of the Board of Supervisors
County of Alameda, State of California

ATTEST:

ANIKA CAMPBELL-BELTON, Clerk
of the Board of Supervisors, County of Alameda

By: _____

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: _____

Andrea L. Weddle
Chief Assistant County Counsel



July 1, 2022

Planning Director Lopez
Members of the Alameda County Planning Commission
224 W. Winton Avenue, Rm. 111
Hayward CA 94542

RE: Sierra Club Position on the proposed amendments to Alameda County's Save Agricultural and Open Space Lands Initiative (Measure D)

Dear Planning Director Lopez and Alameda County Planning Commissioners,

The Sierra Club has reviewed the draft text of a proposed ballot measure scheduled for the Planning Commission in early July. This ballot measure would amend the Save Agricultural and Open Space Lands Initiative (Measure D) passed by the voters in November, 2000. The Sierra Club was a primary proponent and supporter of Measure D and has continued to advocate for the preservation and enhancement of agriculture and the protection of natural resources including wildlife habitats, watersheds and open space.

Measure D amended the County General Plan and the East County Area Plan (ECAP) within three land use designations: Large Parcel Agriculture (LPA), Resource Management (RM) and Water Management. (WM). Most of the parcels of land in the ECAP are designated LPA. The RM designation is intended mainly for land designated for long-term preservation as open space but may include low intensity agriculture, grazing, and very low-density residential use.

There have been ongoing discussions about the need for an increase in the size of buildings supporting agricultural operations. Agricultural buildings are intended to house farm implements, animals and crops and are not a place for human habitation or a place used by the public. Within the Definition of an Agricultural Building as defined in the CA Building Code we believe that an increase in the size allowed for these buildings would enhance and support agriculture within the LPA Zoning Designation as intended by the original Measure D. We also understand the desire for allowing for an increase in the size of covered equestrian riding arenas for recreational use. These larger buildings, including greenhouses and equestrian arenas, should be subject to a Conditional Use Permit and assessed on a case-by-case basis.

While low-intensity agriculture is allowed on parcels designated RM, an increase in agricultural operations beyond what is currently permitted would be inconsistent with the original Measure D. The proposed amendment would not increase the size of Agricultural Buildings or the intensity of agricultural uses in the RM designation and would therefore retain the balance between the permitted agricultural uses and the special characteristics deserving

protection within this zoning designation. The limited increase in the size of Covered Equestrian Arenas would not be an increase in the intensity of use.

The Sierra Club is not taking a position on the proposed ballot amendment at this time. We will comment further following the Planning Commission recommendation and the completion of the Environmental Report. Based on the Staff Report dated June 6, 2022 for the Transportation and Planning Committee: The proposed additions as underlined in Section A – Large Parcel Agriculture Land Use Designation are in support of the agricultural uses within this zoning designation consistent with the original Measure D. The proposed additions as underlined in Section B – Resource Management Land Use Designation are limited to covered equestrian riding arenas only and do not apply to other agricultural buildings and, as such are not inconsistent with the original Measure D. In Section C – Tables in East County Area Plan Appendix we understand the change in the underlined text is limited to the size of covered equestrian riding arenas allowed on Resource Management designated parcels.



Chance Cutrano, Chair
Sierra Club SF Bay Chapter

cc: The Alameda County Board of Supervisors